

**PAUL FURRH, JR.**  
Attorney at Law  
Chief Executive Officer

**ROSLYN O. JACKSON**  
Directing Attorney

**MARTHA OROZCO**  
Managing Attorney



**Lone Star Legal Aid  
PUBLIC BENEFITS UNIT  
1415 Fannin Street**

**RODRIGO CANTÚ**  
**LINDSAY EUSTACE**  
**JEFF LARSEN**  
Staff Attorneys

**LAURA FLORES**  
**ADRIAN GARCIA**  
**GLORETTA THORNTON**  
Paralegals

Mailing Address:  
1415 Fannin Street  
Houston, Texas 77002

713-652-0077 x1270 Telephone  
713-652-3815 Fax  
800-733-8394 Toll-free

December 9, 2016

Mr. Gary Miller  
Remedial Project Manager  
U.S. EPA Region 6 (6SF-RA)  
1445 Ross Avenue  
Dallas, Texas 75202-2733  
Via Priority Mail and e-mail to [miller.garyg@epa.gov](mailto:miller.garyg@epa.gov)

**Re: Complaint concerning False Claim of Representation by The Knickerbocker Law Firm  
in Request for Extension to Public Comment Period of the San Jacinto River Waste Pits  
Superfund Site and Request for Correction to Administrative Record**

I write to you on behalf of my clients, (JoAnn Alderson, James Corley, Diane Doucet, Judith and Marc Ecby, Jimmie Mcglory, Wilson Savoy and Ernest and Robert St Julian, all residents of either Highlands or Baytown, Texas). My clients are extremely troubled by the Environmental Protection Agency's ("EPA") awarding of an extension to the Public Comment Period at the San Jacinto River Waste Pits site ("the Site") due, in part, to a request by the Knickerbocker Law Firm, in which Knickerbocker falsely claims to represent the San Jacinto River Coalition ("the Coalition"). That the EPA awarded the request by the Knickerbocker Law Firm without questioning the accuracy of the contents of that request is not only disquieting, but also undermines the integrity of the CERCLA process' goals to adequately assess community desires when carrying out the Public Participation Process. Action to correct the Administrative Record must be taken.

I must emphasize that I write to you in my capacity as legal representative for the above named individual clients—I have no authority to speak for the San Jacinto River Coalition. Nevertheless, the assertions made by Knickerbocker are injurious to the interests of my clients.

*Serving the East Region of Texas since 1948*  
Angleton, Beaumont, Belton, Bryan, Conroe, Galveston, Houston, Longview, Nacogdoches, Paris, Texarkana, Tyler, Waco



— "a United Way Agency" —

As I prepare comments on the Proposed Plan for these clients I have found it advantageous to coordinate with the Coalition when exchanging information regarding progress at the site, the latest scientific and engineering developments, and opportunities for self-advocacy. Just as the Coalition advocates for the long-term health of its constituents and the wider community, so too do I advocate for the long-term health of my clients when requesting that the EPA order the responsible parties to remove the majority of waste materials from the Site. All of my clients support the Coalition's call to completely remove the dioxin-laden material from the waste pits as the wisest course of action. In many respects the interests of my clients are closely aligned with those of the Coalition. My clients are just as vested in the integrity of the Public Participation Process as the Coalition and any damage to the Coalition's interests in that process might be understood to undermine their interests. This is one of those instances.

The Knickerbocker Law firm falsely claimed to represent the Coalition in its October 13<sup>th</sup>, 2016 request for extension to the Public Comment Period. *See attachment A*. In that same letter the Knickerbocker Law Firm claimed to represent "KeepItCapped.org," a group whose website states that the, "cap is a better solution than digging up the site and hauling the material away." In his comments to the EPA during the open meeting regarding the San Jacinto River Waste Pits, Mr. Knickerbocker stated that he represented San Jacinto River Citizens Against Pollution, also referred to as Keep it Capped. *See attachment B, pg. 45-47*. The objectives of Keep It Capped and the Coalition could not be more diametrically opposed to one another yet it appears that the EPA did not question the deceptive representations made by the Knickerbocker Law Firm when determining that an extension to the Public Comment Period was necessary. Keep It Capped has taken positions that are inconsistent with those taken by the Coalition. Because of this it can be assumed that Knickerbocker purposely purported to represent the Coalition in order to cause confusion. Since Knickerbocker's request will be made part of the Administrative record and available to the public, damage to the interests of the Coalition and my clients can likewise be assumed. My clients expect and deserve a transparent process free of such deceptive representations and avoidable irregularities.

I request that the EPA take the following measures to correct its mistake in accepting Knickerbocker's assertions: 1.) Officially acknowledge in a communication to community residents, government officials, and other stakeholders that the Knickerbocker Law Firm mistakenly claimed to represent the San Jacinto River Coalition; 2.) Include this communication in the Administrative Record; 3.) Redact from the Administrative Record all mention of the San Jacinto River Coalition in the October 13<sup>th</sup>, 2016 letter to the EPA from the Knickerbocker Law Firm entitled, "San Jacinto Waste Pits Superfund Site Request for Extension of Proposed Remedial Action Plan Public Comment Period (REVISED REQUEST)." I do not request that the January 12, 2017 deadline for comments be changed as such a decision would only add more confusion to the public's understanding and engagement with the process.

These actions will ensure the continued integrity of the process, diminish the probability for confusion and, perhaps most importantly, correct a false assertion made by The Knickerbocker Law Firm.

Sincerely

Rodrigo Cantú  
Attorney

cc:

Mr. Thomas C. Knickerbocker  
The Knickerbocker Law Firm, PLLC  
2503 Dauphin Court  
Nassau Bay, Texas 77058  
Via Priority Mail and e-mail to [Thomas@klawtexas.com](mailto:Thomas@klawtexas.com)

Anne Foster  
USEPA  
[Foster.Anne@epa.gov](mailto:Foster.Anne@epa.gov)

# The Knickerbocker Law Firm, PLLC

REAL ESTATE, LAND USE & CONDEMNATION LAW



October 13, 2016

Mr. Gary Miller  
Superfund Remedial Project Manager  
Region 6  
1445 Ross Ave.  
Dallas, Texas 75202

RECEIVED  
16 OCT 21 AM 10:59  
SULLIVAN  
REMEDIATION  
BRANCH  
(6SF-R)

RE: San Jacinto Waste Pits Superfund Site Request for Extension of Proposed Remedial Action Plan Public Comment Period (**REVISED REQUEST**)

Dear Mr. Miller:

I am writing on behalf of the San Jacinto River Coalition/"KeepitCapped.org" ("Coalition") to request that EPA extend the Public Comment Period for the Proposed Remedial Action Plan issued on or about September 28, 2016 (the "PRAP") for sixty days until January 27, 2017. We ask that this request be included in the Administrative Record for the Site. The requested extension is necessary to allow sufficient time for a full and thorough analysis of the PRAP, considering that EPA has chosen to disregard the findings of the U.S. Army Corps of Engineers who were hired to prepare a Feasibility Study on the alternatives under consideration.

EPA's closure of the public comment period on November 28, 2016 falls short of providing the hundreds of stakeholders involved, including all levels of government from the Texas Commission on Environmental Quality; to Harris County; The City of Baytown; the communities of Highlands and Channelview; the Port of Houston, and numerous citizen and environmental interest groups adequate time to collaborate and comment. The analysis of the Feasibility Study, including all the technical evaluations and the PRAP and the evidence disclosed in the trial in 2015 brought by Harris County against the Potentially Responsible Parties will all have to be reviewed by our Experts. Given the length and complexity of the analyses and documents we do not believe it is realistic to expect that interested parties will be able to complete a thorough analysis of the FS and the PRAP and prepare and submit comments by late October.

For the foregoing reasons, the Coalition and its members request that EPA extend the public comment period for the PRAP sixty days to January 27, 2017. Please promptly confirm EPA's response to the Coalition's request.

Very truly yours,

Thomas C. Knickerbocker  
Attorney for San Jacinto River Coalition

9418477



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SAN JACINTO COMMUNITY MEETING  
REGARDING  
ENVIRONMENTAL PROTECTION ASSOCIATION'S  
PROPOSED CLEANUP PLAN FOR THE  
SAN JACINTO WASTE PITS SUPERFUND SITE  
OCTOBER 20, 2016  
HIGHLANDS COMMUNITY CENTER  
604 HIGHLAND WOODS DRIVE  
HIGHLANDS, TEXAS 77562

1 MR. WALTERS: Good evening. Okay. Many  
2 of you are in and there are some more coming in the  
3 door. We want to get started and stay on schedule this  
4 evening. In cooperation, of course, with state and  
5 county local agencies, this is a meeting to take public  
6 comments on the proposed plan from you the citizens.

7 For your convenience we have in the  
8 back -- and I want to go over this because this is  
9 important on how we do this process. At the back table  
10 as you come in we have sign-in sheets. Of course we  
11 want to know who's here. We have a form sign-in if you  
12 wish to speak, and those forms are back there. Sign in  
13 if you wish to speak. We want you to sign that so  
14 we'll know. And then third, comment cards. If you  
15 wish to provide a comment and you do not wish to speak,  
16 there's an opportunity for you to write your comment  
17 out and leave it at the back table with EPA and state  
18 staff.

19 Our facilitator with us, Ms. Naquin, will  
20 go over ground rules after our guest speakers make  
21 brief statements at the start. So let's go ahead and  
22 get into that because I think they're here. We have  
23 several guest speakers. Actually I'll go ahead and  
24 mention who is here at this point. Congressman Gene  
25 Green. Do we have any representatives from Congressman

1 Babin's office, or is he here? Okay. I heard he might  
2 have a representative here, but we'll find him if there  
3 is. Mr. Vince Ryan is with us. And then we'll have a  
4 statement from Commissioner Morman's office after  
5 that. Also, our regional administrator Ron Curry is  
6 here with us as well over here on the side and we'll  
7 call him up shortly as well.

8 Okay. So let's go ahead and get  
9 started. Congressman Green.

10 MR. GREEN: Thank you. My name is Gene  
11 Green, and I represent a lot of East Harris County in  
12 the Congress. And before that though I was a state  
13 senator, including the Channelview, Highlands, Baytown  
14 area. And but let me talk about how we got involved in  
15 this. For a number of years, about 11 years ago or  
16 more there's been a heightened level of dioxin in the  
17 San Jacinto River, Upper Galveston Bay, and  
18 particularly around the area south of here. And but  
19 nobody could find out where it was from. And in 2005  
20 or 6, I think it was Parks & Wildlife or someone found  
21 out that this -- the site that you can literally see  
22 from the I-10 bridge, at that time our district was  
23 south of I-10 bridge. Congressman Poe's district was  
24 north of I-10 bridge. We split Baytown in our  
25 congressional districts and Ted was on the

1 Transportation Committee and I was on the Energy and  
2 Commerce. And when we found out about that, we worked  
3 hard to make sure it got on the Superfund site, and I  
4 joked it was almost light years in federal time that  
5 the EPA finally got it on the Superfund site in 2008.

6 And over the years we've been waiting now  
7 eight years to see what could be done with it.  
8 Obviously there are two options. The temporary cap  
9 that was there that I have issues with because there  
10 was a breach in it back during the Christmas holidays.  
11 Nobody knows for sure, but it was probably a barge got  
12 loose. And the reason they noticed it was breached was  
13 because of the -- because of the heightened in the  
14 monitoring wells around the -- around the site. And we  
15 were out here and saw it and more dioxin was pouring  
16 into the San Jacinto River and then of course  
17 downstream.

18 The biggest issue is that San Jacinto  
19 River is a tidal river. And so that dioxin over the  
20 last, well, since the 1960s is in the sediment. As far  
21 as I know, it's all the way up to the I-10 -- I mean,  
22 the Highway 90 bridge and of course also the heightened  
23 levels are in Upper Galveston Bay and south of here.  
24 And the issue is is that whether we're going to  
25 continue with this temporary cap or a permanent fix.



1 Federal law encourages the EPA to do the best they can  
2 to have a permanent fix so we don't have to continue  
3 going out and worrying about another barge being --  
4 getting loose and again releasing dioxin into the  
5 water. So that's why I'm here tonight to say. Having  
6 worked on this for years serving on the Energy and  
7 Commerce Committee and the Environment and the Economy  
8 subcommittee, the goal was to make sure we -- this  
9 Superfund site is cleaned up.

10 The Corps of Engineers released a report,  
11 and I think the decision by the -- initial decision by  
12 EPA as a permanent solution addresses some of the  
13 concern the Corps had about more releases during the  
14 cleanup. Again, if it's a temporary, we saw what  
15 happened with the cap that's there now, and we're  
16 continuing getting more barges in our community.

17 And some people have asked, "Well, what  
18 do you care now? You don't represent this area." I  
19 have any number of people in our district who still  
20 crab and fish in this area. And if you know for the  
21 last ten years there have been signs in Spanish,  
22 English, and Vietnamese explaining expectant mothers  
23 and small children should not eat the fish or crabs in  
24 this area. I'd like to see some day those signs go  
25 down so we can restore this to what was historically a

1 great fishing and crabbing area.

2 And, you know, the view, I still love  
3 coming across the I-10 bridge, because even though I'm  
4 working all the time, it reminds when I get to go  
5 fishing. And but believe me, I don't want to fish  
6 right now down below that -- the San Jacinto waste  
7 pits.

8 So we have a full statement I'll give to  
9 the EPA, but, again, the support needs to be the  
10 permanent solution so we will get something done  
11 instead of worrying about whichever barge will break  
12 loose the next time. Plus the initial at one time, you  
13 know, ten years ago we didn't have barges that much on  
14 the north side of the I-10 bridge. The transits up to  
15 the industry on the San Jacinto River was one thing,  
16 but now we have literally a barge facility right next  
17 to the site, and then across the river I can't count  
18 the number of barges that are over there. So, you  
19 know, and barges do break loose on a regular basis. So  
20 that's why the permanent solution is the one needed and  
21 I thank you for your time and again look forward to  
22 working with EPA.

23 MR. WALTERS: Next speaker will be Harris  
24 County Attorney Vince Ryan.

25 MR. RYAN: Good evening, everybody. I

1 too have a formal statement which I will give to the  
2 EPA, but let me just simply confirm everything  
3 Congressman Green just said. It is almost eight years  
4 ago just after I took office as your Harris County  
5 attorney and the Harris -- the county attorney in  
6 Harris County is the civil attorney for virtually all  
7 the county government. So we came out here. I'll  
8 never forget, I was dressed in a suit but luckily I  
9 brought some hip boots and we went out in the berm and  
10 this black oozing dioxin was everywhere. And when we  
11 arrived, there were kids swimming right by it, there  
12 were people fishing right there, and everybody, since  
13 we were dressed like I am right now, soon scattered.  
14 But the reality was that dioxin was polluting and  
15 poisoning the people right there, but unfortunately all  
16 through the bay, all the way down through Galveston.  
17 And I grew up -- I'm kind of a native, too. I grew up  
18 in Clear Lake Shores in Galveston County. And I have  
19 been around the water my whole life. I believe that  
20 the water that we see ought to be water that we can  
21 swim in. It ought to be water that we can fish in. It  
22 ought to be water that is safe for everybody.

23 That dioxin while the responsible  
24 parties -- and many of you know that we sued both Waste  
25 Management and International Paper. Waste Management

1 stepped up and settled the suit with us, and some of  
2 that money is now being spent on remedial actions. At  
3 the same time we're appealing -- unfortunately we lost  
4 the trial court decision against International Paper,  
5 but we're appealing that. That's one aspect of what's  
6 going on.

7               What we hope the EPA will continue to do  
8 is look at this and realize that removal is the future  
9 that we have to have. The science about dioxin is that  
10 waste pit if it's just capped, that poison will be  
11 there for up to 700 years. And I again, having grown  
12 up here, I've been through hurricanes. I've seen the  
13 damage of hurricanes. In fact, my family had a beach  
14 house in Bolivar for 42 years that Hurricane Ike took  
15 away. And the power of hurricanes are just monumental.

16              In fact, when Ron Curry first became  
17 regional administrator, he came down here, he went out  
18 onto the site, and the first thing he said was with  
19 these rocks, "What happens if a hurricane comes across  
20 this site?" Well, those of you who have been here  
21 your -- a long period of time in your life is those  
22 rocks will be swept away and the dioxin underneath it  
23 and even a -- what's called a permanent cap could  
24 easily be breached by not just barges or ships hitting  
25 it, but a hurricane just ripping it off. So we are 100

1 percent for removal. We think it's the only reasonable  
2 alternative to safeguard the water and the people and  
3 everything that flows through the bay and the San  
4 Jacinto River. So thank you very much for your  
5 attention to this and your attendance tonight. Thank  
6 you.

7 MR. WALTERS: Thank you, Mr. Ryan. Our  
8 next guest speaker will be the EPA regional  
9 administrator, Mr. Ron Curry.

10 MR. CURRY: Good evening. And I  
11 appreciate the fact that everyone is here tonight for  
12 this very important meeting. And Vince is right. You  
13 know, I was appointed to this position -- fortunate  
14 enough to be appointed to this position on September  
15 24th, 2012, by President Obama. And this is the first  
16 site that I had the opportunity to visit to come to  
17 Houston and see what we have out here. And what first  
18 impressed me so much was the complexities that we all  
19 face in trying to clean up this site and make it safe  
20 for the community for the long-term.

21 EPA is very proud of the fact that we  
22 work to protect public health and the environment, but  
23 we do that based upon science and law. That's why in  
24 our record which is available in the Highlands library  
25 here plus online, there are over 900 documents that are

1 available for you to look at and comment on as we go  
2 through this process. We encourage you to comment.  
3 That's why we're having this meeting tonight to provide  
4 even more information to you. You'll be able to  
5 comment up until November 28th. So I would ask you for  
6 your community to involve yourself in this. Let us  
7 know what you're thinking about our proposal. But,  
8 again, keep in mind, we are working for the public  
9 health and the protection of the environment based on  
10 science and law and you'll see that in the documents  
11 that are available in the library and online.

12 This is a momentous time for this  
13 community and we want to do something based upon what  
14 the community needs and wants and understands that is a  
15 permanent fix. So, again, thank you all for being here  
16 and thank you for participating in this process.

17 MR. WALTERS: Okay. Moving on to our  
18 last guest speaker. There will be a statement from  
19 Commissioner Morman's office, a brief written  
20 statement. Mr. Darbonne, are you here? Here we go.

21 MR. DARBONNE: Good evening. I'd like to  
22 read a statement on behalf of Harris County  
23 Commissioner Jack Morman. My name is Jacque Darbonne.  
24 I'm the safety and emergency management director for  
25 Harris County Precinct 2 which includes the San Jacinto

1 River Waste Pit Superfund site. On behalf of  
2 Commissioner Jack Morman, I want to welcome you to our  
3 Precinct 2 Highlands Community Center. I'm going to  
4 restate our strong support for the decision by the EPA  
5 to totally remediate the site as a preferred  
6 alternative. We believe this is the only option that  
7 will ensure that area residents will be protected  
8 long-term from a catastrophic cap failure in the years  
9 to come.

10 Additionally, residents far downstream  
11 along Galveston Bay also in Precinct 2 will benefit  
12 knowing that the bay is protected from the consequences  
13 of cap failure at this site. The EPA decision has the  
14 unquestioned support and broad coalition of county  
15 officials. This includes all elected officials in key  
16 county departments such as Harris County Flood Control  
17 District, the Health Department, Public Infrastructure  
18 Department, and of course our county attorney's office  
19 which has led the way in this effort. Harris County  
20 pledges all available resources of cooperation with the  
21 EPA in the cleanup process. Thank you for holding this  
22 meeting. We look forward to the day when the dioxin  
23 hazard no longer haunts our neighborhoods and our  
24 future. Thank you.

25 MR. WALTERS: Okay. Thank you, John.

1 All right. Let's move on to the business part of this  
2 meeting. I'm going to call up Ms. Naquin, our EPA  
3 facilitator to help start facilitating this part of the  
4 meeting.

5 MS. NAQUIN: Okay. So I've been at a few  
6 of these meetings --

7 UNKNOWN SPEAKER: It's not on.

8 MS. NAQUIN: Let's try that. All right.  
9 Nice to see some returning faces. I'm glad to be with  
10 you again tonight for your wrap-up on this Superfund  
11 project. It's a full house. There's standing room  
12 only. So we're going to try and make the most of our  
13 time tonight. This is not the kind of meeting that  
14 I've been with you for in the past. This is a more  
15 formal procedure. We have a recorder, a court recorder  
16 who is going to take down everything you say tonight so  
17 that your words are reported accurately to the EPA,  
18 your comments are taken and you will -- and they will  
19 be responded to. So in order to do that, let me walk  
20 you through an agenda. We've done the first two  
21 things. I'm sure you-all have had time to chat with  
22 each other, and Donn has brought us to order. We've  
23 heard from our elected officials. So let me go through  
24 the ground rules for the meeting. And then after that,  
25 Gary, our wonderful EPA technician will give you an



1 overview of how the remediation proposal is being  
2 presented to you. When we get to the comments section,  
3 if you have signed in on this sheet of paper, I will  
4 call you up to the microphone, either the one in the  
5 front or the one in the rear, and I'll give you two  
6 minutes to make a comment. I've got a yellow card to  
7 flash. This is sort of like your warning sign. So  
8 about 30 seconds before your two minutes is up, I'm  
9 going to put this up so that you can wrap on -- wrap  
10 up. Rap on. Not rap on. I did a little math, which  
11 is not my strong suit. So if we have an hour of time  
12 to listen to you, that's 60 minutes. If we divide that  
13 by two-minute sections, that gives 30 people time to  
14 talk. So I'm really going to try and stick to that  
15 because I've got a list here of a good number of folks  
16 that have something to say to the EPA. Is that all  
17 right with you?

18 All right. So here let's see how this is  
19 going to work. Let me remind you that we're here to  
20 hear from the EPA, that you are here to be informed of  
21 the proposed cleanup for the waste sites on the San  
22 Jacinto River. And the reason for that is to obtain  
23 your comments via the recorder or to have them written  
24 if you don't want to come up to the microphone and say  
25 them out loud in public. So these little cards are

1 back there. We're going to minimize questions tonight  
2 because really this is to hear what you're thinking  
3 about the proposed fix to the problems in the river.

4 So with that in mind -- where are you,  
5 Gary?

6 MR. MILLER: My name is Gary Miller. I'm  
7 the EPA remedial project manager for the San Jacinto  
8 site. And while I'm getting this thing set up, I will  
9 be talking about the proposed plan that EPA is  
10 recommending for the site. Before I get into that,  
11 though, I do want to thank everybody. A number of you  
12 sent in e-mails and phone messages. You've sent in  
13 pictures, and that's really helped us come to a  
14 final -- this resolution so we can get to this remedy  
15 that we're recommending. So I did want to thank  
16 everybody for doing that. It was very helpful, and  
17 also encourage you to make your written comments known  
18 or come up and say whatever you'd like to say or we  
19 have websites that you can go to, but please take  
20 advantage of that and let us know your thoughts on all  
21 this. So anyway, let me get this going here.

22 She's going to turn those lights down so  
23 maybe you can see it a little better. Is that better?

24 Thank you. Okay. This is a map of the  
25 San Jacinto site. It's located about 18 miles to the

1 east of downtown Houston and of course it's on the San  
2 Jacinto River right where the I-10 bridge crosses it.  
3 There's a couple of things I wanted to point out. If  
4 you see that green line that covers most of the map,  
5 that outlines a special Corps permit area. And what  
6 that means is because of the presence at the site  
7 there's concerns about dioxins in the river. So  
8 anybody that wants to do any dredging has to get a  
9 permit from the Corps; but in the special permit area,  
10 they also have to do additional sampling and take  
11 additional disposal steps because of the possible  
12 presence of dioxin. So that's the area where that  
13 applies to.

14           The smaller area that's outlined by the  
15 blue line, that is the site investigation area. So  
16 that's where all the sampling was done or most of it.  
17 There was some background areas that were sampled, but  
18 that's where most of the site was.

19           You can see the small yellow box and red  
20 box right in the middle of that blue area, and I'm  
21 going to zoom in on that right now. Okay. This as you  
22 can see the I-10 bridge where it crosses the river.  
23 The green area is the northern waste pits. It's the  
24 one that's above the I-10 bridge, and the southern  
25 impoundment is the one that's shown by the yellow area

1 and it's just below the I-10 bridge.

2 Now, those areas were built both of them  
3 in the mid 1960s for disposal of paper mill waste which  
4 of course contained the dioxin. And both of those  
5 areas, they're approximately 15 acres each. So anyway,  
6 that's the site and that's what we're talking about.

7 Okay. So this slide shows the objectives  
8 for our cleanup. And just to kind of go through them  
9 quickly is to prevent releases from those waste pits,  
10 to reduce human exposures from the consumption of fish,  
11 to reduce the human exposures from direct contact with  
12 that paper mill waste containing dioxin, and also to  
13 reduce exposure to the aquatic animals. And that's  
14 things like crabs and clams and whatnot. So those are  
15 our objectives with the cleanup.

16 So here is a summary of our preferred  
17 alternative that we're recommending for your comment.  
18 For the northern waste pits we're proposing that we  
19 remove the waste material over our cleanup well and  
20 that amounts to about 150,000 cubic yards for offsite  
21 disposal. Now, there is a concern, I know a number of  
22 you have expressed this, about what happens when you're  
23 doing removal. Is there going to be a release? Well,  
24 we're going to do the design to minimize any of those  
25 releases, so that's an important consideration. After

1 the material is removed, it will be covered with clean  
2 fill. The cost, estimated cost for this is 87 million  
3 and is expected to take about 19 months to complete.

4 Okay. For the southern impoundment, that  
5 area contains about 50,000 cubic yards of waste  
6 material. So the proposal is to take that out for  
7 offsite disposal. There is also a building and a slab  
8 at the southern part of the area. Well, that will be  
9 taken out so we can get the waste out from underneath  
10 it, and then it will be replaced. Backfill with clean  
11 soil, reestablish the vegetation, and the cost for this  
12 one is approximately 10 million and it will take about  
13 seven months to complete.

14 Okay. This slide shows the remediation  
15 goals of the cleanup wells that we're going to apply.  
16 Now, all of these they're risk-based levels and you'll  
17 notice right off that the numbers are different. Well,  
18 the reason that they're different is because they're  
19 all based on the risks that apply to that particular  
20 area. So for the northern waste pits, the cleanup  
21 level is 200 parts per trillion of dioxin. For the  
22 southern area, it's 240 parts per trillion of dioxin,  
23 and for the sediment out in the river it's 30 parts per  
24 trillion of dioxin.

25 Now, there's one other thing. Texas does

1 have a surface water quality standard and that number  
2 is roughly about 8 times 10 to the minus 5th parts per  
3 trillion. So that's the standard we'll apply for the  
4 surface water while we're doing the cleanup.

5 UNKNOWN SPEAKER: Do those limits make it  
6 where it's safe for people to eat out of it and swim in  
7 it?

8 MR. MILLER: In terms of the dioxin,  
9 yes. Now, I do need to tell you, there are fish  
10 advisories and those fish advisories are there for PCBs  
11 as well and those do come from other sources. So we do  
12 expect the fish advisories to still be there, but the  
13 contamination will be less.

14 UNKNOWN SPEAKER: (Inaudible)

15 MS. NAQUIN: Okay. So here's the way we  
16 need to work this tonight. If you have questions,  
17 please write them down on the note cards that are  
18 available at the back table so that we can get through  
19 the presentation and hear the comments about what's  
20 being proposed. Time allowing, if we get through all  
21 of the questions that you have or comments that you  
22 have to ask, then we'll go back and see if we can  
23 answer a few questions.

24 MR. MILLER: Okay. We just talked about  
25 the alternative that we're proposing, but there are a

1 number of other alternatives that were considered and  
2 they cover a range of different things starting with no  
3 further action and we're required by statute to  
4 consider that. But they also include several different  
5 types of upgraded caps for containment. One was to  
6 solidify the waste in place and then cap it, and there  
7 are also several partial removal alternatives that take  
8 out various fractions of the waste. But all of those  
9 alternatives will result in some amount of the waste  
10 remaining in the pits and remaining in the river, and  
11 none of those are reliable for all the storm events  
12 that could happen during the long lifetime that dioxin  
13 will remain hazardous, and also given the occurrence of  
14 hurricanes in the area. So that's why -- that's the  
15 basis of why we chose the alternative that we chose.

16 Okay. The rationale. The dioxin is  
17 highly toxic. The dioxin is highly persistent, and  
18 that means it won't break down for hundreds of years.  
19 It will be there for a long time. The area has had a  
20 number of hurricanes, severe hurricanes.

21 There's a history of Armor Cap, the cap  
22 maintenance. Almost every year there's had to be some  
23 repairs on that cap, and I'll go into that in a little  
24 bit here after a while. But the other thing is if we  
25 left the waste -- or by taking the waste out, we will

1 avoid a catastrophic release in an uncontrolled  
2 situation. You know, if a hurricane is coming through,  
3 you won't be able to do anything about it at that  
4 point.

5 Now, I did want to say one thing about  
6 the Corps of Engineers report. That report provided a  
7 lot of valuable information as we went through and  
8 evaluated these alternatives, but they did refer and  
9 consider a lot of alternatives, a lot of options for  
10 doing this work. And so the thing I wanted to say is  
11 not all of those numbers refer to our recommended  
12 alternative. They can -- they're referencing other  
13 things that we -- we're not proposing, so --

14 Okay. The river is subject to change.  
15 These are aerial photographs. The first one is in 1966  
16 that shows the -- you can see the old highway bridge.  
17 I think at this point maybe they were just building  
18 I-10. I don't think it was I-10 yet, but you can see  
19 the waste pits north and south of the highway. And one  
20 thing you see that's different now, it's surrounded by  
21 land and the river was a lot smaller.

22 But if you move 30 years later to 1997,  
23 well, you can see the river is much bigger, there's a  
24 lot less land, and there's been a lot of changes. Now,  
25 this occurred because of the subsidence. The area sank



1 about 10 feet due to ground water pumping and also  
2 there was sand mining in the area. So the river is  
3 changing. It's not constant, and of course then  
4 there's effects of the hurricanes and the effects that  
5 they would do, so --

6 Okay. Here's -- I want to say a little  
7 bit about the cap history. The cap was built in -- or  
8 construction was completed in 2011 and there's had to  
9 have been repairs just almost every year since that  
10 completion. 2012, 2013, 2015, and this year in 2016.  
11 The repairs were needed because the cap was either  
12 thin, thinner than it should have been, or the Armor  
13 stone was missing. It was gone in some areas. And you  
14 heard about that -- that area in 2015. During that  
15 time there was about a 3 to 500 square foot area where  
16 the cap was missing and the dioxin waste was exposed to  
17 the river.

18 So following the 2012 repair, we asked  
19 the Corps of Engineers to look at the design of the cap  
20 and they made some recommended improvements, mainly  
21 just flattening some of the slopes and using some  
22 larger stone. So those improvements were done in 2014.

23 Well, also in 2016 following some of the  
24 repairs that happened this year, the cap inspection  
25 protocol was increased. It went from twice a year to

1 four times a year, and there was also a camera  
2 surveillance system installed to keep an eye on the cap  
3 24 hours a day and that is monitored. So if there's  
4 any barge strikes or anything going on with the cap,  
5 we'll know about it immediately. And there are also  
6 lighted buoys placed around the perimeter of the cap to  
7 warn off barges and any other boats that may be  
8 approaching it.

9 Now, this last thing perhaps not many  
10 people know about it. It's brand new. We just got a  
11 report last month. It was inspection report that  
12 included a underwater survey. And what that survey  
13 showed that there was 8-foot deep of erosion around the  
14 outside perimeter of the cap. And by the way, that  
15 erosion or scour wasn't there back in April when the  
16 last survey was done, and so that probably occurred  
17 during the floods that happened in the end of May.  
18 Some of you may remember those floods, but they did  
19 result in 8-foot deep areas -- up to 8-foot deep areas  
20 of scour just outside the perimeter of the cap. So  
21 that's a concern, and right now we're talking with the  
22 Corps and the potential responsible parties about  
23 coming up with a plan to address that. And we don't  
24 have that yet, but we're working on it.

25 All right. Next slide. Okay. I'm going

1 to say a little bit about how we're going to do the  
2 design because that's very important, too. The actual  
3 design will be done during the remedial design period  
4 which will be in the future and I'll talk about the  
5 schedule in a little bit. But one of the main goals of  
6 this design is to prevent releases while we're removing  
7 the material. And that would be things like sheet  
8 piles around it, working in sections to minimize the  
9 impact of any flooding or anything like that. Also  
10 we're going to plan to monitor, sample, measure, and  
11 report on things like water concentrations, perhaps  
12 tissue concentrations so we can see how well we're  
13 doing in terms of the impact on the environment while  
14 we do this removal. We'll also have some contingency  
15 plans for storms and floods and hurricanes because this  
16 work will probably take -- well, I said 19 months, just  
17 call it two years, so that's a pretty significant  
18 amount of time, so anyway.

19 Okay. So here's the next step. We're  
20 right in the middle of the public comment period and  
21 that will end November 28th. After that the EPA will  
22 issue a record of decision and that will include a  
23 responsiveness summary that will respond to all the  
24 comments we receive from everybody. And we expect that  
25 early in 2017. Then following that there will be

1 enforcement, negotiations; and that's something that's  
2 allowed by the statute where EPA will negotiate with  
3 the potential responsible parties to conduct this  
4 work. So following that there will be a detailed  
5 design that will cover all these factors. Some of them  
6 I've mentioned, but a lot of other things, too. And we  
7 expect that may take several years, so that means that  
8 the actual remedial action, the actual construction or  
9 the work should begin sometime around 2020, so --

10 All right. That's all I have. I'll  
11 leave you with this slide. This is a picture of the  
12 1994 flood of the San Jacinto River and you can see  
13 it's up almost -- well, it is up to the I-10 bridge.

14 So anyway, Mary Jane, I'm going to turn  
15 it back over to you.

16 MS. NAQUIN: Okay. If I put this down,  
17 will that end your program?

18 MR. MILLER: Yes.

19 MS. NAQUIN: Do you want to leave that  
20 up?

21 MR. MILLER: No, that's fine.

22 MS. NAQUIN: Okay. So I know there's a  
23 lot of passion and interest and a lot of energy has  
24 gone into this project many, many years. I actually  
25 have been involved myself indirectly since 2003. So

1 it's time now for you to give some feedback to what  
2 you've heard. So what I am going to do is call out a  
3 few names. If you'd gather up at the microphones, I'd  
4 like for you to --

5 UNKNOWN SPEAKER: Turn your microphone  
6 up.

7 MS. NAQUIN: Am I closer -- maybe getting  
8 closer to it. All right. So let's go over that  
9 again. I'm going to call out two or three or four  
10 names. If you would take your places at the  
11 microphones, then we can get the comments rolling. I'd  
12 ask that you try and keep them specific. I have some  
13 cards here for questions. If you have cards and you  
14 want questions answered, please be sure to fill those  
15 out and get them to the back of the room.

16 So the first names I've got on my list  
17 are Rick Davis, Alma Pennington. I hope I do right by  
18 this name; Guruatma Khalsa. Debra Woods and John  
19 Banks. And if you would come on up and get in line,  
20 then we will be ready to roll.

21 MR. DAVIS: Thank you very much.  
22 Grateful for the opportunity to make comment today. My  
23 name is Rick Davis. I'm the city manager of Baytown,  
24 City of Baytown. And on behalf of the mayor and city  
25 council, we want to express our support for the

1 complete remediation of the waste pits. We view  
2 anything short of this as a deferment of this  
3 responsibility to a future generation and not terribly  
4 responsible; therefore, we are going to continue to  
5 support total remediation. And in fact on October the  
6 27th the council and mayor will take up yet another  
7 resolution in support of the EPA decision. Thank you  
8 very much.

9 MS. NAQUIN: Quite welcome.

10 Go ahead. Yes, you're next.

11 MS. KHALSA: Okay. My name is Guruatma  
12 Khalsa, and I want to thank the EPA for the opportunity  
13 that we can speak up and I want to thank for that you  
14 made the decision for complete removal. That was a  
15 great relief to us. We're brand-new here. Not really,  
16 we've been here for two years. We moved from the  
17 middle of Houston out to this area, and now I'm going  
18 to tell you how I feel about finding out about what's  
19 going on out here. I'm devastated. I feel  
20 devastated. I feel scared. I feel angry that some of  
21 my neighbors may have been made sick because of these  
22 toxins. It's just devastating to me to find out how  
23 many people are sick with how serious of sicknesses. I  
24 feel really sad, and I'm -- you know, we moved here,  
25 we're older, we're in our 60s. 65, 66 my husband. We

1 moved out of the city into the country for the air and  
2 the peace and the high vibration compared to all the  
3 cluster in the city and this is what we're finding out  
4 is underneath our grass. It's devastating. And if we  
5 don't have complete removal, you know, I mean, that's  
6 just -- it would be -- there's no words.

7 MS. NAQUIN: Thank you.

8 MS. KHALSA: Thank you for letting me  
9 share.

10 MS. NAQUIN: Could I have Jackie Young  
11 and Pam Bonta come up?

12 MS. WOODS: Hi. My name is Debra Woods  
13 and I live in Seabrook and I'm concerned about digging  
14 it up, the trucking of the waste to another location.  
15 I'm wondering if there's not more risk moving it,  
16 wrecks, transporting it. What's going to happen? I  
17 lived in Shore Acres when Ike came through. I was out  
18 of my house for three days and then six months because  
19 of the floods. And if it floods while you're built  
20 around it, I'm concerned about that.

21 In 2011 the temporary cap was placed over  
22 the waste area. It was my understanding that it's  
23 holding much better than what I've heard tonight; and  
24 knowing that a permanent cap would only reinforce what  
25 is there, why would we open ourselves and more people

1 up to the damage this waste could cause if it is  
2 disturbed?

3 My question today is, has there been  
4 testing of the water, soil, or fish in the surrounding  
5 area since the temporary cap was placed; and if so,  
6 what are those results? And I'd also like to know more  
7 about how you're going to contain it when a hurricane  
8 comes through when you've got it dug up for us further  
9 down the road?

10 MS. NAQUIN: Thank you. John Banks.  
11 Gloria O'Bannon, if you could come up.

12 MR. BANKS: Yes, my name is John Banks  
13 and I moved out here in '85. I thought it was a great  
14 thing to have well water. It wouldn't be contaminated  
15 like the city water. I moved my family out here  
16 thinking that I was doing something better out away  
17 from the crime and everything in the city. I was going  
18 to make a better life for my family, and I trusted the  
19 EPA because they would not let anybody dump anything  
20 everywhere. Well, that was just nitpicking. You know,  
21 nobody told me that there was something out there until  
22 they started digging it up and stirring it up. And  
23 then they come out and they have barges come by to stir  
24 it up even more and, yes, they got barges on the north  
25 side. They ought to not have them over there until



1 they finish with this.

2 MS. NAQUIN: Thank you.

3 MR. BANKS: And I've lost so many animals  
4 to drinking this water, and I can't prove that it's the  
5 problem, but I ain't but -- but I'm fixing to be 54  
6 years old and I am disabled. I've had -- I got heart  
7 problems. I've got something wrong -- something wrong  
8 with my white blood cells. They're telling me they  
9 want to do a bone marrow test, and all of this is  
10 because of the water that I've been drinking that the  
11 EPA said it was okay to drink.

12 MS. NAQUIN: Thank you.

13 MR. BANKS: And that's all I got to say.

14 MS. NAQUIN: Go ahead.

15 MS. YOUNG: Thank you. My name is Jackie  
16 Young, and I am the leader of the San Jacinto River  
17 Coalition. Thank you. Like many of us here today, my  
18 family moved to Highlands because we wanted a life on  
19 the river; and my mom's dream home was here. I agree  
20 with many of you that the waste pits should have never  
21 been placed in close proximity to the river, but they  
22 were and what we have now is an imperfect situation  
23 which the EPA is attempting to choose the best remedy  
24 to protect public health and the environment.

25 EPA Region 6, I'm incredibly thankful for

1 your careful consideration of over 900 documents which  
2 led you to the information proposed for this cleanup.  
3 Looking at the site specifically, what we have, as Gary  
4 said, is highly toxic, highly persistent, highly  
5 bioaccumulative, and highly mobile waste which is  
6 considered as principle threat waste. By law the EPA  
7 is expected to use treatment to address principle  
8 threat waste. Fortunately containment as advocated by  
9 the responsible parties and others who have financial  
10 interest and containment of this site does not qualify  
11 as treatment. Additionally, containment does not meet  
12 the EPA's policies and past practices. Containment has  
13 not worked and it will not work and I sincerely  
14 appreciate the EPA for recognizing this.

15 Let's not forget, the companies who  
16 created the pits walked away and they did not tell any  
17 of us about their incredibly toxic site lurking in our  
18 river until the EPA forced them to participate in this  
19 Superfund process.

20 Let's not be fooled by these group's  
21 high-dollar PR efforts to mislead and confuse our  
22 communities. The robocalls, the newspaper ads, the  
23 fliers coming to your doors along with the people,  
24 don't buy it. Those people have a financial interest  
25 in containment.

1                   Okay. Got the card. So as I said, what  
2 we have is an imperfect situation, but we have a local  
3 government who strongly advocated on behalf of the  
4 environment and public health. We have leaders in the  
5 EPA who have taken a strong stance towards the cleanup  
6 of the waste pits. Moving forward I ask the EPA to  
7 require the responsible parties to hire a third-party  
8 oversight during the remediation process. Please  
9 consider careful -- take careful consideration for the  
10 design and construction phase.

11                   Many of us observed the large piece of  
12 construction submerged in the river when high tide came  
13 in. That could have been avoided. It's accidents like  
14 that that we can't afford. So please consider this all  
15 carefully moving forward with third-party oversight.  
16 Thank you.

17                   MS. NAQUIN: Thank you. Okay. In  
18 addition to Pam and Gloria, could I have Doyce Bobo,  
19 Bobby Petty, and Tim Barber at the microphones? Go  
20 ahead.

21                   UNKNOWN SPEAKER: First I would like to  
22 say thank you so very much for doing the right thing in  
23 having this removed. This is unbelievable. I can't  
24 even believe that it's real. I feel like I'm  
25 dreaming. The first thing I would like to say is, this

1 is a glass of water from here. Would any of you like  
2 to take this home and feed it to your wife, your  
3 children, your husband, and let them drink it? I want  
4 you to realize what we go through every day in this  
5 town with this water, the guilt that we have even  
6 washing our hands, bathing. There is dioxin in the  
7 water. We know it's in the aquifers. We've done  
8 independent testing. This is disturbing. I wouldn't  
9 want to put my child in this. I had to put my child in  
10 this. I didn't have a choice.

11 So I'm asking you, Flint, Michigan, was  
12 given many millions of dollars to rectify the lead in  
13 the water. We have the most deadly chemical known to  
14 man in our water. It doesn't matter how much it is;  
15 it's in there and it's in a level that's killing all of  
16 us, making it so that the children can't reproduce when  
17 they become of age. It's not fair. I was just  
18 wondering, is there anything you can do to help the  
19 city and the well water of the surrounding community so  
20 that we no longer have to ingest dioxin on a daily  
21 basis?

22 MS. NAQUIN: Thank you.

23 MS. O'BANNON: Hello. My name is Gloria  
24 O'Bannon and I've lived in Lynchburg since 1989 and I  
25 support EPA's proposal for full removal of the waste

1 pits for several reasons, mainly due to known and  
2 unknown health risks.

3 In 2014 I had a full abdominal scan where  
4 a kidney stone was discovered. Less than two years  
5 later, I had another CT scan where it was discovered  
6 that I now have cysts on my ovaries, my kidney, a tumor  
7 on my uterus, and another tumor on my pelvis. This is  
8 a huge change in a mere 20 months. One could argue  
9 this is because of my lifestyle, my age, hereditary,  
10 but it could also be due to my environment.

11 My well water was tested by an  
12 independent lab which detected six different types of  
13 dioxins in my drinking water that were above the  
14 recommended toxic equivalent concentration levels. The  
15 EPA has stated in several publications that it  
16 categorizes dioxins and the mixtures of substances  
17 associated with sources of dioxins as a likely human  
18 carcinogen and that the presence of dioxins can  
19 accelerate the formation of tumors and adversely affect  
20 the normal mechanisms in inhibiting tumor growth. Is  
21 this what happened to me?

22 I'm certain we can all agree that  
23 removing the waste pits from our community will  
24 completely reduce our exposure to highly toxic  
25 dioxins. If the pits were removed, the risk to our

1 health and our water resources is also removed. For  
2 five years capping the pits has been unsuccessful, so  
3 it's time for a permanent solution. The only permanent  
4 solution is to remove the pits. This would reinstate  
5 my peace of mind and hopefully my health and it is time  
6 for those responsible to become good stewards of our  
7 environment and rectify the mistakes of the past so we  
8 can have a future. Thank you.

9 MS. NAQUIN: Thank you.

10 MR. BOBO: My names is Doyce Bobo. I  
11 totally agree with total removal of that pit is what we  
12 have to have. If we do not have it, you look around  
13 this room, we see a mixture of young people and old.  
14 The old will die off, such as myself, but the young  
15 people will die before they get to this age.

16 My question is -- and I really do  
17 appreciate you guys coming out here. You said that the  
18 EPA is for our health and our benefit. I have a well  
19 water. It's already been addressed. I would like the  
20 EPA to study to tell me what am I supposed to do? Yes,  
21 the removal of that pit is great, but I'm here with a  
22 well water, so I want the EPA to tell me what I can do,  
23 give me some help on my water.

24 MS. NAQUIN: Thank you.

25 MR. PETTY: Good evening. My name is

1 Bobby Petty. I'm here to speak in support of the Army  
2 Corps of Engineers cap method. As Gulf Coast  
3 residents, we're well aware of the threat of hurricanes  
4 posed all the time. They say two years -- or two years  
5 to repair this, but it's a government project so who  
6 knows how long it's actually going to last, quite  
7 frankly. Imagine year 2020 we're here and a Hurricane  
8 Ike type event happens. It pushes a wall of water into  
9 Galveston Bay up the San Jacinto River and floods that  
10 entire toxic waste area. And as that wall of water  
11 recedes, it drags all that toxic waste back down in a  
12 catastrophic event that will harm our area for  
13 decades. It will -- when that wall of water recedes,  
14 it will take tons of dioxins back down and it could --  
15 again, we're worried about future generations. I  
16 understand that. Do you want to drink that water in  
17 2020 if that happens? I sure don't want to.

18 UNKNOWN SPEAKER: We don't want to drink  
19 it now.

20 MR. PETTY: It will be a lot higher if  
21 that happens. Also, while the site is exposed to the  
22 atmosphere, we have to worry about winds carrying with  
23 it tons of dioxin-contaminated dust into our schools,  
24 homes, and even on to the commuters that drive back and  
25 forth on Interstate 10.

1                   For these reasons I speak in support of a  
2 permanent 2 and a half foot thick concrete slab that  
3 will keep that intact so we don't have to worry about  
4 contamination from a hurricane and storm surge.

5                   MS. NAQUIN: Thank you. Could I have  
6 James W. Freetly, Richard Rose, and Jessica Woods come  
7 to the microphone? Go ahead.

8                   MR. BARBER: Hi. My name is Tim Barber.  
9 I work at ERM. I'm a Ph.D. marine scientist. I was  
10 asked by the Citizens Against Pollution to evaluate the  
11 ports it was probably end of June I guess and locate  
12 advantages and disadvantages of the mass removal versus  
13 the in-place containment remedy.

14                   A few weeks after my letter report was  
15 submitted to EPA International Remedy Review Board in  
16 the middle of July, the Army Corps report came out.  
17 The Army Corps report has a tremendous amount of  
18 information. Really the best minds in the country, if  
19 not the world, on moving contaminated sediment is a lot  
20 to learn from that report. And then shortly thereafter  
21 the proposed plan was released and very quickly, if not  
22 simultaneously, the remedy review board opinion. So it  
23 seems like we waited a couple years. I mean, this has  
24 been a ten-year process, which is too long. We waited  
25 a couple years for the Army Corps report and then



1 somehow the proposed plan was released within weeks of  
2 getting the Army Corps report. I'm not quite sure how  
3 all of that detailed information could be considered.

4 On your slide earlier you had, "We're  
5 going to prevent contamination during mass removal."  
6 That's not possible. The Army Corps report points that  
7 out. In every single sediment excavation dredging  
8 project in the country, there's going to be residual  
9 contamination. It's a fact. It doesn't mean that it  
10 sort of puts you in one direction or the other, but we  
11 have to be honest here about what's going to happen  
12 during the mass removal that is the proposed remedy  
13 from EPA.

14 The catastrophic events that we talked  
15 about, the hurricane, the storm surge, what if one of  
16 those occurs during the two-year period of time when  
17 you're dredging? What's going to happen then? Then  
18 there's going to be a massive release. So you're  
19 taking something that is covered, not really capped  
20 effectively, but covered, you're exposing it, and then  
21 you're going to be digging it out hoping that there  
22 isn't a storm event or other sort of catastrophic  
23 event. So that's very risky. And then after 15,000  
24 trucks, after two years, after \$100 million, I think  
25 it's really important to tell the public that's paying

1 for this, because all the money comes from the public  
2 ultimately, whether responsible parties or -- whether  
3 the responsible parties pay for it not --

4 MS. NAQUIN: Please let him talk.

5 MR. BARBER: -- they generate revenue  
6 based on public buying their goods and services.

7 MS. NAQUIN: Sir, your time is about up.  
8 Thank you.

9 Jessica, is that you?

10 MS. WOODS: Okay. My name is Jessica  
11 Woods. I am the executive director of the  
12 Highlands-Lynchburg Chamber of Commerce and we have an  
13 official resolution that we will be submitting to the  
14 EPA on behalf of the members which are businesses and  
15 individuals from Highlands, Lynchburg, and the  
16 surrounding areas. The Highlands-Lynchburg Chamber of  
17 Commerce appreciates our elected official support, the  
18 support of Harris County, and we would like to submit  
19 our resolutions supporting the full remediation of the  
20 San Jacinto River Waste Pit Superfund site. We believe  
21 that as a group whose mission it is to promote the  
22 healthy social and economic growth of our area that the  
23 ultimate removal is the best possible solution to the  
24 problems that persist.

25 I don't know if you remember the last

1 slide that was up on the screen before he turned it  
2 off. That was 1994, and that was a 500-year flood on  
3 the San Jacinto River. That came from the north. That  
4 was not a hurricane event and yet that is what changed  
5 the course of the San Jacinto River. That is what  
6 subsided the waste pit area completely in that region,  
7 and that is what probably released more dioxins into  
8 the river than any other event that we have had in the  
9 last 20 years, 40 years, since the waste pits were put  
10 into place. There have been numerous events since the  
11 waste pits were there, namely in '85 Hurricane Alicia  
12 which flooded the San Jacinto River, but the '94 flood  
13 actually moved the I-10 bridge which is much bigger and  
14 better constructed than a 2-foot concrete cap would be.

15 So I have 30 seconds left, and I just  
16 want you to know that as a resident, as a business  
17 owner, as a parent, as a community leader, I also  
18 personally support the full removal of this. And any  
19 event that could happen during the removal could not be  
20 near as catastrophic as the events we've already  
21 suffered with the waste pits here in the river.

22 MS. NAQUIN: Okay. Could I have Fernando  
23 Carreras, Belinda Barnes, and Anna Holt come to the  
24 microphones?

25 Go ahead, sir.

1 MR. ROSE: My name is Richard Rose. I'm  
2 a Highlands resident and a business owner. My  
3 question, I have a couple questions, has there ever  
4 been any formal representation from keepitcapped.org at  
5 any of your meetings? Or by show of hands, is there  
6 anybody here that's in representation of that group?

7 UNKNOWN SPEAKER: They're not going to  
8 tell you.

9 MR. ROSE: Yeah, that group.

10 MS. NAQUIN: Could we have your comment,  
11 please?

12 MR. ROSE: That was my comment.  
13 Eventually, my -- my comment is more so a question to  
14 them, if they have provided actual representation.  
15 That's my comment. But obviously there's not, so I'm  
16 going to --

17 MS. NAQUIN: It's a mystery.

18 Yes. Come on.

19 MS. PENNINGTON: I'm Alma. I didn't get  
20 to speak a little while ago.

21 MS. NAQUIN: Alma, all right. Sorry.

22 MS. PENNINGTON: So, I'm just a concerned  
23 citizen. I live about a half a mile from the site on  
24 Pin Oak. My well was tested. It was one of the wells  
25 that was tested, and all I got was a letter saying that

1 it was acceptable. That's all I've gotten. I have  
2 neighbors, Gloria lives not too far from us, who has  
3 those high levels. I am now spending so much money on  
4 water because we can't drink the water. How long do we  
5 have to drink store bought water and why should I have  
6 to pay for all this water when somebody made millions  
7 when they let them dump that stuff right there?  
8 Because somebody gave them permission to do that.

9 MS. NAQUIN: Yes, ma'am.

10 MS. BARNES: I'm Belinda Barnes and I  
11 live like five or six houses from the river. So all  
12 this stuff that goes on there, when it caught on fire  
13 and all that, we can see it from my house. My neighbor  
14 drilled a well; couldn't use it. My grandkids used to  
15 go over there and eat his tomatoes with the -- that he  
16 had used to water his garden. And, you know, I've been  
17 in this area since the '50s. I spent my life down here  
18 fishing and crabbing, water skiing, swimming, whatever  
19 you can do in the water. And then to find out at this  
20 age that all those years we were having fun we might  
21 have been killing ourselves. But my main thing I want  
22 to know is we're talking about capping this and y'all  
23 are talking about 2-foot concrete things. It's my  
24 understanding that it's like a membrane thing and say  
25 it's 2 inches thick and then they pile rocks on it and

1 that's called a permanent fix. Even if they took  
2 concrete, a 15-acre thing is 1,000 foot by 600 foot.  
3 Can you imagine a membrane that will cover that? I  
4 would like to know how thick a membrane it is, what  
5 size are the rocks that they're going to pile on it.  
6 The water can move a rock the size of a car.

7 MS. NAQUIN: Thank you. Could I have Tom  
8 Knickerbocker, Josephine Tittsworth, and Scott Jones,  
9 please?

10 MS. HOLT: Hi, I'm Anna Holt. I live in  
11 Lynchburg. I'm on a well. I grew up in Highlands. I  
12 was born in Channelview and lived in Channelview from a  
13 very early age and I've spent my entire life on the  
14 water swimming, skiing, boating, well north of the  
15 bridge and well south all the way down to Galveston.  
16 I've fished out of wells that are named in our family.  
17 We have fishing wells out in the bay that we  
18 individually call our own. Our family has been greatly  
19 affected. Specifically in people I know, considerable  
20 reproductive issues. There's three of us, myself and  
21 my two brothers. Two of us have underwent a lot of  
22 infertility issues, and ultimately we grew our family  
23 through adoption because there isn't a fix when you --  
24 when your body is not working right.

25 Lots of cancer. Right now I have a

1 cousin whose son is in middle school. He has a very  
2 rare tumor in his brain that they don't have really a  
3 fix for. Many members of our family and our friends  
4 have undergone different cancer treatments. My very  
5 good friend since 3rd grade is undergoing or just been  
6 made aware that she has her second -- her reoccurrence  
7 of cancer. She's at stage 4. Three years ago she  
8 fought the cancer and now it's back. Since grade  
9 school she's fought many different illnesses,  
10 neurological and reproductive and many of them can't be  
11 explained or are said to be very unusual, abnormal  
12 types of situations.

13 Our family, the people we know are very  
14 concerned about everything with this river. We are  
15 concerned about the flooding that causes the barges and  
16 the houses and the whatever to wash down the river.  
17 We're concerned about how it changes the path of the  
18 river. We're concerned about the shift in the current  
19 cap. I'm very thankful to the EPA for studying this  
20 and making the proposal they have, but I'm also still  
21 very concerned and I have questions about the full  
22 removal, as it's being called, because based on that  
23 slide up there and what I understand from the report,  
24 it's not truly full removal and I wish that that part  
25 would be reconsidered. If you're leaving it at 200

1 parts per trillion or 240 parts per trillion, that's  
2 closer to an industrial level of acceptability whereas  
3 a residential level is 30 parts per trillion. Sure,  
4 it's the sediment in the water that's going to be  
5 minimized with dioxins, but what about what's left?  
6 That's what's affecting our water table. That's what  
7 is affecting my well water and all those people around  
8 us that are having problems. So I ask that you  
9 consider reevaluating what the true level of  
10 acceptability is and remove all of the dioxins for this  
11 community and for the future.

12 MS. NAQUIN: Thank you. Go ahead.

13 MS. TITTSWORTH: I'm Josephine  
14 Tittsworth. I'm a Vietnam era Veteran, United States  
15 Coast Guard. I served as a federal law officer in  
16 Galveston-Texas City for the marine safety office where  
17 I enforced federal regulations for CFR 36 and CFR 49.  
18 I also investigated pollutions and monitored cleanup,  
19 so I understand some of the process involved here. I  
20 moved to the Lynchburg addition in 1999 when I retired  
21 from IBM. After I moved there, I went to school and I  
22 am now a licensed master social worker.

23 My grandson who is standing right here  
24 next to me is 13 years old. He moved in with me four  
25 years ago. We did not know until a couple of months



1     ago that the water table for our well is poisoned and  
2     we're drink -- been drinking poison all this time. I  
3     need to know what is going to be done to provide safe  
4     drinking water for all of us in the Lynchburg  
5     addition. What is going to be done to make sure the  
6     rest of the people in the Lynchburg addition are aware  
7     of the poisonous water that are all on wells and what's  
8     going to be done to clean up the water table? Thank  
9     you.

10                     MR. KNICKERBOCKER: I'm Tom  
11     Knickerbocker. I'm an attorney representing the San  
12     Jacinto River Citizens Against Pollution. You've heard  
13     it called Keep It Capped. The San Jacinto River  
14     Citizens Against Pollution is composed of approximately  
15     1100 citizens, landowners, business people, and  
16     homeowners who are directly affected by the waste  
17     pits. My clients care about pollution and want to see  
18     the waste pits eliminated as a source of pollution.  
19     The EPA has determined that two alternatives can  
20     accomplish this task; one to dig it all up, and the  
21     other to confine and isolate the waste so it can never  
22     be released to harm not only the river but the entire  
23     Galveston Bay ecosystem.  
24                     The EPA has known and published facts  
25     about dioxin that is a by-product of paper

1 manufacturing. They agree with what virtually all the  
2 scientists and regulators around the world have found.  
3 Dioxin binds to the substance in which it was created  
4 and is insoluble in water. The only way to spread it  
5 to create danger to humans in the environment is to  
6 mechanically spread it about. It doesn't leach, it  
7 doesn't evaporate, and it doesn't mix, so the worst  
8 thing we can do is dig it up and spread it around.

9 We are surprised and suspicious when the  
10 EPA hires the Corps of Engineers to conduct in-depth  
11 scientific studies of the very property and the very  
12 pollutant we want remediated and then ignores and  
13 discounts their findings. Getting expert advice and  
14 then not following it is a very dangerous position to  
15 be in in any court, on any day, and in any  
16 jurisdiction. The San Jacinto Citizens Against  
17 Pollution don't want this waste disturbed, mixed with  
18 the river or Galveston Bay, nor transported on public  
19 highways great distances only to kick the waste down  
20 I-10. The proposed plan not only places great risks on  
21 the river and the bay, it merely moves the problem from  
22 one place that is a stable and manageable location to  
23 another location for the very same purpose.

24 MS. NAQUIN: 30 seconds.

25 UNKNOWN SPEAKER: It's not being managed.

1 MR. KNICKERBOCKER: We think the record  
2 of the EPA in similar communities shows that it's  
3 attempting to dig up a waste when the true extent of  
4 the operations that placed the material there is  
5 fraught with uncertainty. What happens when adjacent  
6 areas are found to contain this or other waste? What  
7 happens when the digging runs into storms, floods,  
8 hurricanes, or the receiving landfills are closed to  
9 the waste by their citizens or courts?

10 The science is in. Capping, sealing, and  
11 managing the waste where it's stable and safe is better  
12 for our community than polluting the river and the  
13 bay. We ask you, don't make things worse.

14 UNKNOWN SPEAKERS: (Inaudible)

15 MS. NAQUIN: Please, please, please,  
16 please, please, please, please, please. Be  
17 respectful. Everybody has an opinion. Scott?

18 Could I please have Kathleen Garland,  
19 Brandt Mannchen, and Karley Little at the microphones?

20 Go ahead.

21 MR. JONES: Good evening. I'm Scott  
22 Jones, director of advocacy for the Galveston Bay  
23 Foundation. I want to thank the EPA for this  
24 opportunity to comment tonight, and I will be following  
25 up with an official letter with details on these

1     comments.

2                     The foundation fully supports the EPA's  
3     preferred alternative 6N and 4S removal of the waste  
4     exceeding cleanup levels. We agree with you that this  
5     is the only acceptable cleanup remedy for the site  
6     which has been harming the community for 50 years now.  
7     Removal is the only way to rid ourselves of these  
8     deadly toxins once and for all. We have seen examples  
9     of successful cleanups from other places in the  
10    country, and we want no less for the San Jacinto River,  
11    Galveston Bay, and those who enjoy harvesting seafood  
12    from our waters. Based on the 750-year time frame that  
13    the EPA has estimated will be needed for the dioxin and  
14    these wastes to degrade to safe concentrations and our  
15    review of the cleanup documents, including the EPA --  
16    all EPA documents and the Corps of Engineers  
17    third-party review, we know that capping is not an  
18    appropriate solution for this high energy location of  
19    hurricane, floods, shipping traffic, changing river  
20    courses, and sea level rise.

21                    The level of uncertainty of a cap for 750  
22    years results in a risk that our community simply  
23    cannot take. We simply don't trust a cap to work until  
24    the year 2766, especially when it has a poor track  
25    record in only five years. We thank you for directing

1 the Corps to perform a third-party review of the  
2 cleanup, and we especially want to thank you for  
3 developing a new full alternative 6N that employs  
4 industry accepted best management practices.

5 We were very displeased with the  
6 responsible party's original draft feasibility study,  
7 especially their notion of what was a full removal  
8 because it didn't use best management practices. It  
9 only used silt curtains. And don't be fooled, that  
10 Corps of Engineer report follows the feasibility study  
11 that the responsible parties came up with. That's why  
12 you see numbers in that Corps report that would make  
13 you think that removal is worse than capping. It's  
14 not.

15 It's not surprising that alternative 6N  
16 and appropriate best management practices results in a  
17 very low risk of release of contamination of only 0.2  
18 percent, and it's not surprising that capping  
19 alternative is a ticking time bomb reflected in the  
20 almost 30 percent release you found if a hurricane  
21 would strike the cap. You estimated that the  
22 uncontrolled release would be 140 times the amount  
23 released if removal with best management practices was  
24 utilized. We prefer to take our chances with a  
25 controlled removal versus an uncontrolled release. We

1 know that an uncontrolled release is only a matter of  
2 time.

3 The Galveston Bay Foundation finds it  
4 very disturbing that some individuals in organizations  
5 are falsely claiming that the Corps report recommended  
6 capping. As you are aware, that report did no such  
7 thing. We are troubled by a campaign being waged by  
8 forces who want us to trust a cap forever. Big money  
9 from somewhere is funding their operation. They have  
10 flooded the area with canvasses, robocalls, flyers,  
11 mailers, print and radio advertisement. One radio  
12 advertisement I just heard this morning.

13 We at Galveston Bay Foundation are a  
14 small grass roots organization and our only special  
15 interest is the health of the San Jacinto River,  
16 Galveston Bay, and those who enjoy catching fish, crab,  
17 shrimp and oysters from these waters. We hope that  
18 these money interest efforts do not trump the science  
19 that's been completed. That science screams for  
20 removal of these wastes.

21 Thank you again for doing your utmost to  
22 protect this community. The Galveston Bay Foundation  
23 looks forward to working with you to ensure that the  
24 site is fully remediated.

25 MR. LITTLE: My name is Karley Little.

1 I'm kind of new to the area. I moved to Lynchburg  
2 about eight years ago, few months before Hurricane Ike  
3 hit. It was a nice welcome call. When I moved here, I  
4 took a job as a professor down at Baylor Medical School  
5 that everybody said -- showed me the different areas  
6 around downtown Houston where I should live. I said  
7 Galveston Bay is one of the most beautiful bays in the  
8 country. It's one of the five or six great bays that's  
9 part of the whole United States and I want to live out  
10 there because it seems like a tropical paradise to me.  
11 And I have really enjoyed it out here. And I was  
12 really disappointed and kind of stunned to find out  
13 what a dirty thing was done to the bay 50 years ago and  
14 for 50 years nothing -- we're still trying to decide  
15 what to do about it. I personally strongly believe in  
16 an aggressive and definitive action to remove all this  
17 stuff. I think they -- if this was San Francisco Bay,  
18 it would have long been gone. Chesapeake Bay, it would  
19 have long been gone. I think it's time for Texas to  
20 get its part of the Superfund and clean the thing up.  
21 I also wanted to just say the most stunning thing I  
22 heard tonight was it's going to be four years before  
23 you start, four more years that I personally --

24 UNKNOWN SPEAKER: (Inaudible)

25 MR. LITTLE: So I had NIH grants, that's

1 National Institute of Health grants for about 16 years  
2 at University of Michigan and Baylor Med School, and  
3 then I worked at the VA for 21 years, so I know  
4 something about federal bureaucracy, and I think this  
5 could be a very long, meandering course or something  
6 really definitive could get started as soon as possible  
7 and that's what I'm for.

8 MS. NAQUIN: Thank you. Okay. I'm still  
9 looking for James Freetly and for Brandt Mannchen.

10 Go ahead, Kathleen.

11 MS. GARLAND: My name is Kathleen  
12 Garland. I did a report for the San Jacinto River  
13 Coalition a little while ago on choice of remedy for  
14 this site based on the EPA's historical practices at  
15 other similar sites in the area and so I just wanted to  
16 comment from that perspective on what we've heard  
17 tonight. First of all, my report said that if the EPA  
18 did what their guidance documents said they should do  
19 and did what they've done at other sites that they  
20 would propose a full removal for this site and so I was  
21 thrilled to see the final recommendation was indeed  
22 that practice.

23 I was also very happy about the report  
24 itself because there were many different things that  
25 have been talked about in the past. But from my



1 perspective as a geologist, the very first and most  
2 important issue here is that this is a disposal site  
3 which is now in the middle of a river. And if there's  
4 any idea that a river can't remove what's in it when it  
5 wants to, that just naturally doesn't happen. From a  
6 geologic perspective, rivers are some of the most  
7 powerful movers of sediment in the world and eventually  
8 they will move everything in them.

9 The other issue we have here is that  
10 because the waste is such a long-lived waste that we're  
11 assuming that if there were some other form of  
12 containment selected or some form of containment that  
13 there would be somebody around 125 years from now to  
14 maintain it.

15 The companies which originally disposed  
16 of this waste are no longer in existence. The  
17 companies which have taken the project over are in  
18 existence now, but there is no guarantee that they will  
19 be here in 100 years. And so from the perspective of  
20 protecting the long-term health of both the environment  
21 and the communities, we have to do our job now and that  
22 is to remove this waste disposal site from the middle  
23 of the river. And so I have to agree with what the  
24 Army Corps has said -- excuse me, what the EPA has said  
25 about removing it.

1                   The last question I did have is something  
2                   I would like the EPA to consider and that is addressing  
3                   the remaining hot spots in the sediment which remain  
4                   outside of the pits themselves.   The mapping in the  
5                   proposed remedy indicates that there are some hot  
6                   spots, and I would like them to discuss their reasons  
7                   for not suggesting that perhaps we might need  
8                   additional capping in that area or in some way discuss  
9                   why those hot spots are not going to be of concern in  
10                  the future.   Thank you.

11                   MS. NAQUIN:   Okay.   Thank you.   Okay.   I  
12                   have Troy Riddle, D.J. Brewer, and I'm going to try  
13                   this, Sam S-L something Z-E.

14                   MR. SLEDGE:   Sledge.

15                   MS. NAQUIN:   Say it again.

16                   MR. SLEDGE:   Sledge hammer.

17                   MS. NAQUIN:   Sledge, all right.

18                   MR. SLEDGE:   Like hammer.

19                   MS. NAQUIN:   Sam.   Go ahead.

20                   UNKNOWN SPEAKER:   As a recent honors  
21                   graduate from Lee College under the STEM initiative,  
22                   which is science, technology, engineering, and math, I  
23                   would like to say that Highlands is predominantly a low  
24                   income area, but that does not mean we are uneducated.  
25                   Okay?   Right now on earth the most destructive force

1 known to man is water. It is the most destructive  
2 force on earth in this galaxy, in thousands of other  
3 known galaxies. Considering the ongoing failure of  
4 caps that have been going for the last five, six, eight  
5 years, it seems to me that it would be full removal  
6 is the only way we could go. It would be inherently a  
7 catastrophe to be in a dysfunctional course of actions  
8 to try and keep capping it, whether it be concrete,  
9 steel, Kryptonite or whatever you would like to cap it  
10 with. All right? I would basically like it be  
11 explained to me how if you have a cup of water with a  
12 small hole in the bottom of it how that cup of water  
13 would become less -- or more dangerous by removing the  
14 water. It does not seem feasible and is non-logic.

15 Finally, I would like to say that out of  
16 everybody here, we are residents and Americans  
17 volunteering our time to support full removal. All  
18 right? The only people we have seen here tonight for  
19 the Keep It Capped organizations were paid lobbyists.  
20 We do not have no residents volunteering their time to  
21 Keep It Capped. I'd just like that on record.

22 MS. NAQUIN: Keith Guillory if you're  
23 here, step up.

24 Go ahead, Brandt.

25 MR. MANNCHEN: My name is Brandt Mannchen

1 and I'm here representing the Houston Sierra Club. And  
2 the Sierra Club agrees with the EPA that alternative  
3 plan 6N and 4S should be implemented. We do have some  
4 suggestions for improvement of those. I'm not going to  
5 go over all those suggestions, but I would like to  
6 mention a couple of things.

7 A previous speaker talked about reducing  
8 the 200 to 240 parts per trillion concentration down to  
9 30. We think that makes a lot of sense. You know,  
10 people need more protection, so we need to remove as  
11 much of that waste out as we can with some additional  
12 cleanup passes as you're sectioning off the cells and  
13 cleaning them up.

14 The other thing is a lot of people have  
15 talked about resolution of ground water contamination.  
16 We believe that is also an issue that should somehow be  
17 resolved. It may be resolved with this particular  
18 removal proposal or in a separate proposal, but we  
19 think people deserve an answer to that in some sort of  
20 way to have their water cleaned up. We need to  
21 completely clean up the San Jacinto River waste site in  
22 the right way. We need not to do a halfway job. No  
23 one 20, 30, 40, or 50 years from now must be made  
24 responsible for finishing our job. So the Sierra Club  
25 agrees with EPA and we have some written comments we're

1 going to submit. Thank you very much.

2 MS. NAQUIN: Thank you.

3 UNKNOWN SPEAKER: I'm handicapped. I'm  
4 going to need to lean on a chair because -- sorry.  
5 Howdy, everybody. I live right across the river from  
6 the site. I have 300 feet of waterfront and 2 miles  
7 directly across from the waste pits. So whether it is  
8 capped or whether it is opened, I am screwed because  
9 Hurricane Ike blew water up into my back yard 150 feet;  
10 and this summer water came up my back yard 70 feet  
11 twice because of all the rains.

12 Now, the thing I'm worried about the EPA  
13 opening up, what does happen? How high is that dam?  
14 When it rains, what are y'all going to do with that  
15 water? You're going to take the water off the site.  
16 You have to put it somewhere. You can't put it back in  
17 the river.

18 And still capping it, we all know what  
19 hurricanes do. You know, they move cities. So capping  
20 it is not really going to be much of a solution at  
21 all. So I feel like I'm dammed if I do and dammed if I  
22 don't and dammed if I'm moving either because I like  
23 where I live. It's beautiful, directly across from the  
24 San Jacinto monument, beautiful wide river.

25 And, of course, we live in the heart of

1 the largest petrochemical complex on the planet, so  
2 pollution is no big surprise. It's just really  
3 unfortunate that one -- that two companies decided to  
4 screw us over since I was a little girl dumping stuff  
5 there, and now 50 years later we're still waiting for a  
6 solution. So I'm very grateful to the EPA for standing  
7 up and making a plan. I'm sorry it's got to be  
8 executed in 2020, but, hey, if y'all do it, I'll be  
9 happy.

10 Where are y'all going to put the waste  
11 that y'all are moving? That's the other huge concern I  
12 have. Are y'all going to put them in those little 50  
13 gallon drums or whatever and go stick it in Maryland or  
14 Louisiana? Oh, they'll love that. So are we just  
15 moving the problems so we don't have to think about  
16 it? And that's it, y'all. Thank you.

17 MS. NAQUIN: Thank you.

18 MR. SLEDGE: My name is Sam Sledge. I  
19 come out -- I've been out here since 1948. I live  
20 right across the street from that dump. But you know  
21 what this meeting, it's called winner guessing. It's  
22 to tell everybody what we're going to do for you, but  
23 they ain't going to do nothing. Here's what I want you  
24 to do. I brought it up here one night. 465 pages of  
25 it. Gave it to them attorneys. It's the Hazardous

1 Waste Act. That gentleman right there knows what I'm  
2 talking about. It's a guideline. And the Toxic Waste  
3 Act, the Clean Water Act and read it. You know what  
4 this is? You know what the thimble solution is? All  
5 the words they've said, everything they're going to do,  
6 and they're going to think they're going to do, the  
7 Grand Canyon won't be big enough. And you know what  
8 their solution is? You can put it in a thimble. You  
9 still have plenty of room because the words ain't going  
10 to get it done. They didn't tell you about the other  
11 six toxic waste dumps you got around here, did they?  
12 They didn't tell you about on Zavala Road where they  
13 got a tank farm built on one. They didn't tell you  
14 about them barge terminals down there where they got  
15 that fuel leak. I was down there that day taking  
16 pictures and it was running in that bayou. They run me  
17 out same way they did down there across the river where  
18 they're going to do the south thing. I was taking  
19 pictures. They're not going to let them tear down them  
20 buildings. I have a better chance of winning the  
21 lottery than that EPA man right there is going to fix  
22 it. He knows who I am. His name is Miller, isn't it?  
23 Now you know. He wrote me so many e-mails. Hey, I  
24 got -- you can't believe it. He even told me my well  
25 wasn't contaminated. I said, "How do you know that?"

1 You're in Dallas. You ain't ever tested it."

2 MS. NAQUIN: Thank you, Sam.

3 Okay. How about Davida Rosser, Julie  
4 Mann, and Shane Bauman?

5 MR. GUILLORY: Good evening. My name is  
6 Keith Guillory. I grew up on Ellis School Road. I  
7 grew up crabbing, fishing, swimming in the San Jacinto  
8 River, and then when I got old enough to learn how to  
9 water ski I skied up and down there for years. I'm a  
10 local real estate broker, but I also spent 18 years  
11 with that large petrochemical complex there. One of  
12 the things I've noticed about this community is  
13 we're -- we're trying to figure out how in God's earth  
14 did they allow them to use that as a dump site near a  
15 river. It's simple. Lack of oversight. But we have  
16 our congressmen, we have our leaders in Congress and in  
17 our legislature locally, they make a living by  
18 vilifying the EPA in regulations. Well, you can't have  
19 it both ways. You can't have lack of oversight. This  
20 is what happens. You have a company that put their  
21 toxic waste site on a river. Hey, common sense would  
22 tell you that that's insane. But we are vilifying  
23 our -- our leaders are vilifying the EPA to get  
24 elected. You turn on the TV the next 20 days. You see  
25 how many local legislators are making their living



1 telling you how bad these people are. And I came out  
2 of the industry. I came out of that side. So I can  
3 speak from both sides of disliking these guys because  
4 that's what I'm hearing in my ear, and at the same time  
5 saying it doesn't make any sense.

6 So what I'm saying is that, one, we need  
7 oversight. Two, we need you when you go vote to think  
8 about those guys that's telling you how bad the EPA are  
9 because that's why they were able to put those sites  
10 right next to a river. They lacked oversight.

11 UNKNOWN SPEAKER: No.

12 MR. GUILLORY: Oh, yes, they were. They  
13 lacked oversight. Nobody was there to say huh-uh, this  
14 doesn't make sense, and this is bad for public health.  
15 There was nobody to tell them that.

16 My second point is, guys, is that just as  
17 I-10 is the number one freeway for commerce in America,  
18 that San Jacinto River and that Ship Channel is the  
19 move -- they move billions of dollars worth of  
20 petrochemicals yearly on that. They're not going to  
21 stop doing that. So when you go vote, you vote for  
22 folks that want to regulate these businesses. We're  
23 not trying to put them out of business. They're not --  
24 every time you talk about regulating Exxon or any of  
25 these companies, they start hollering how much it's

1 going to cost them and they lose jobs. That's simply  
2 BS. There needs to be regulation because we grew up  
3 in -- I grew up fishing, swimming. I'm from a family  
4 of 11 kids. We crabbed in that San Jacinto River. My  
5 first Cub Scout trip was down to the San Jacinto River  
6 where we could take that plaster and plaster the  
7 animals' footprints. That was my first trip, and now  
8 it's not a place I would set foot on.

9 So just think about this, guys. I  
10 implore you to think about this. When you go to vote,  
11 when you listen to these candidates, you think very  
12 hard when they start vilifying EPA and regulations  
13 because they're being paid by the PACs that support  
14 these large industries and, yes, they're not going to  
15 lay you off. That's their lame line they lay on you.  
16 Exxon is spending \$2 billion on a new olefin plant.  
17 They're not going away. That's a capital plan that  
18 they're planning on getting their money out of, so when  
19 you hear them say, "Oh, we might have to lay people  
20 off. It's going to cost us," it's simply bullshit.  
21 Thank you.

22 MS. NAQUIN: Go ahead.

23 MS. ROSSER: Hi. I'm Davida Rosser. The  
24 Rossers have lived in the Highlands area for a long  
25 time. I'm grateful I married into the family, and I've

1 lived in Highlands for 26 years. My husband, a  
2 lifelong resident, was diagnosed with Crohn's disease  
3 last year. My son, 17-year-old was diagnosed with  
4 ulcerative colitis last year. The odds of that  
5 happening in one household is very rare, but in 2014,  
6 March 11th, I was diagnosed with pleomorphic sarcoma,  
7 stage 3, high grade, very, very rare cancer. When I  
8 talked to my oncologist the day they told me you have  
9 cancer, I said, "What do I -- what did I do? I never  
10 smoked. I'm not a drinker. I've never done drugs. I  
11 was a good girl."

12 And he said, "It's environmental.  
13 Sarcoma, soft tissue sarcoma, comes from dioxin."  
14 Where do you think that came from? It came from that  
15 river. I'm very grateful for the EPA for the proposal  
16 to remove, complete removal. My question is, along  
17 with my friend, resident that suggested why are we  
18 leaving some of it, I would like to see all of it gone  
19 because I have children. I eventually will have  
20 grandchildren. And I had a person tell me one time  
21 during my cancer treatments, well, why don't you just  
22 move. I don't have to move. I shouldn't have to  
23 move. My family shouldn't have to move. This is our  
24 home, and we -- we deserve and our children and  
25 grandchildren and our great grandchildren deserve to

1 have this completely removed so that we can have a safe  
2 and a wonderful environment to live in. Thank you.

3 MS. NAQUIN: Thank you.

4 Okay. Julie Mann, Shane Bauman, Brandon  
5 Miller, Pam Marr.

6 MR. BAUMOW: Good evening. My name is  
7 Shane Baumow. I'm advocacy director for Coastal  
8 Conservation Association. The CCA has over 120,000  
9 members across 19 states in this great nation. We all  
10 have the primary objective of to conserve, protect,  
11 enhance the present and future availability of our  
12 coastal resources for the benefit and enjoyment of our  
13 general public. For the past 40 years CCA has  
14 championed the protection and enhancement of our marine  
15 resources driven much like by the Galveston Bay  
16 Foundation by grass roots efforts. Our membership has  
17 spoken up on the San Jacinto Waste Pit Superfund site,  
18 and they overwhelmingly support the EPA's decision to  
19 safely remove the dioxin-contaminated materials from  
20 the river.

21 Along with our conservation partners,  
22 including the Galveston Bay Foundation, we reviewed the  
23 San Jacinto Waste Pit Superfund site documents provided  
24 both by the Army Corps and the EPA. It's our  
25 considered opinion that the EPA's preferred plan is the

1 only path forward that will secure the health of  
2 Galveston Bay and its residents for generations to  
3 come. So CCA supports the EPA's preferred remedy to  
4 safely remove the materials both north and south of  
5 I-10. And on behalf of our membership, I just want to  
6 say thank you for this opportunity to speak and we look  
7 forward to a resolution. Thanks.

8 MS. MARR: My name is Pamela Marr. I'm  
9 from the other side of the river over in Channelview.  
10 I grew up down here in the river playing, swimming,  
11 having all kinds of fun. I just left MD Anderson being  
12 a patient to come here to be at this meeting tonight.  
13 The river has had a lot of effects on me in my life and  
14 on my property and its value. I can no longer afford  
15 to sell my house because of what's going on down here  
16 with these pits. It's no longer worth what I owe on  
17 it, so selling my house is not an option moving away  
18 from here. I'm stuck here. My health has had a great  
19 toll because of what's going on with these pits here  
20 and I'm all for complete removal. I want to see this  
21 stuff gotten out of here and gone. I don't even let my  
22 grandkids come to visit me anymore. They're not  
23 allowed in my yard. I don't even go in my backyard  
24 anymore.

25 I unfortunately back up to pipe yards

1 over there off of Shields Road. I don't know if y'all  
2 are familiar with it, but the pipe yards due to a  
3 lawsuit that they lost are having to keep the dirt down  
4 in the pipe yard by using river water that they're  
5 pulling right there from the river. So every time they  
6 let the dust get down in their pipe yard by watering it  
7 down, I'm getting river water sprayed on the back of my  
8 house into my back yard. So I'm getting a direct hit  
9 of this water that's filled with these chemicals on a  
10 daily basis.

11 My house I bought it because of all the  
12 fruit trees. I have orange and lemon trees taller than  
13 my house, figs and pears. That's the reason I bought  
14 my house. I bought it to live over here where I had a  
15 natural lifestyle. And you can see where it got me.  
16 M.D. Anderson calls me their ticking time bomb that's a  
17 miracle. I've had two different cancers stage 4 and  
18 stage 3. One of them was a death sentence that, thank  
19 goodness, experimental chemo saved me from death. I am  
20 in and out of the hospital all the time due to the  
21 aftereffects of the chemo.

22 I personally would like to see the stuff  
23 removed. I'd like to see some other legislation done  
24 on these businesses around here and their use of the  
25 river water, and also the city -- or Channelview and

1 the City of Houston and the use of their river water in  
2 our drinking water because our drinking water has been  
3 contaminated from the river water that's being used and  
4 I think it's I believe 20 percent of the river water  
5 that's being used in our drinking water in  
6 Channelview. So we all the time are getting this  
7 chemical in our drinking water as a public water that  
8 we get in Channelview to drink. So I've lost animals.  
9 And like I said, my grandchildren are no longer allowed  
10 to even visit me in my own house. Thank you.

11 MS. NAQUIN: Let's see if this works.  
12 Yes. Teclesha Blanchard, Eddie Williams, and Jim  
13 Dobberstine. Did I miss somebody?

14 MR. MILLER: Brandon.

15 MS. NAQUIN: Brandon, come on up.

16 MS. BLANCHARD: Good evening. Thank you  
17 for having me. My name is Taclesha Blanchard. I am a  
18 candidate for Baytown City Council District 3. My  
19 concern is very much the fact that I'm in Baytown, we  
20 don't get our water from the San Jacinto River;  
21 however, as mentioned, hurricanes, they don't have a  
22 fence, you know. So to take preventative measures, how  
23 is this going to affect surrounding areas? I also said  
24 I believe that the capping, it simply postpones the  
25 issue for other generations such as myself as well as

1 my daughter which does not seem acceptable.

2 I believe the residents deserve full  
3 disclosure. What is to be done with the waste once  
4 it's removed? I believe they deserve to hear that. Is  
5 it going to affect another community; and if so, I  
6 don't think that's acceptable as well. And how do we  
7 assist and aid the residents in the now? We've heard  
8 several diseases and illnesses and we've seen an  
9 example of drinking water and financial burdens that  
10 we're hearing. What do we do to aid the residents here  
11 and surrounding areas? Is that going to be addressed?  
12 That's my question.

13 MS. NAQUIN: Thank you.

14 MR. WILLIAMS: Hello. My name is Eddie  
15 Williams. I'm not a rocket scientist. I'm not an  
16 attorney. I don't know the answer, but what I do know  
17 is I've been a member of the San Jacinto Coalition for  
18 at least four years. My wife and I moved here from  
19 Houston so that our kids, we live 2 miles from the  
20 waste pit at the most right on the river. We bought  
21 our home, our entire investment from our retirement for  
22 our six kids and our eight grandkids to have a means of  
23 going fishing and recreation. It was going to be our  
24 gift to them. Unfortunately, I'm not -- I'm not one  
25 who we're blaming anybody for anything, but November of



1 last year I had to have a complete heart transplant.  
2 My health failed tremendously. I'm still not in the  
3 best of health. But at the same time, my wife and I,  
4 we opened a resource center here on 2100 Main, and you  
5 would be amazed at the people that come into our  
6 center; and their biggest issue is health issues. So  
7 we refer people. We see young people, old people, you  
8 know, who have health issues that are unheard of. And  
9 I'm not saying it's -- you know, we know dioxin is a  
10 killer and, you know, it causes problems. Like I said,  
11 I don't know what the solution is; I'm not a  
12 scientist. But I do have two quick concerns. One is,  
13 if you do start the removal, on the street that I live  
14 on, we live right on the river, there's seven veterans,  
15 five disabled seniors, disabled senior citizens. When  
16 you start removing it, what effect will it have on us  
17 immediately because we are so close? What kind of  
18 precautions will be taken for those particular  
19 individuals, including myself?

20 And secondly you mentioned erosion. When  
21 you start dredging, we're losing land in that area  
22 already, so will that dredging affect those homes,  
23 those -- because we are on the north side. It's real  
24 high. We're on the south side of the river but the  
25 north side of I-10, so it's high there, but the erosion

1 is just tremendous here lately. Since Memorial of '14  
2 and Memorial '15 we've lost almost a half acre of land  
3 all along the river. So we'd like to, you know, have  
4 some answers as to what concerns are going to be made  
5 for those seniors and disabled veterans during the  
6 process of the removal. And that's all I have to say.

7 MS. NAQUIN: Thank you.

8 MR. MILLER: My name is Brandon Miller.  
9 I live in Seabrook. The young lady in front of me  
10 asked one of my questions. I'd like to know where is  
11 it going, how it's going to be disposed of, and how are  
12 we going to safely get it through our cities without  
13 spilling it all over the roads? That's it.

14 MS. NAQUIN: Thank you, Brandon.

15 Jim Dobberstine, are you still in the  
16 house? There you are.

17 MR. DOBBERSTINE: All right. I'm in a  
18 co-op. I'm going to take this off. So my name is Jim  
19 Dobberstine. I am the chair of math, engineering, and  
20 sciences here at Lee College here nearby. I'm a  
21 25-year environmental scientist and biologist,  
22 president of the Texas Association of Environmental  
23 Professionals and have spent a lot of time studying  
24 sediments and aquatic habitats both here in Galveston  
25 Bay and I've been invited on nearly a dozen projects

1 nationwide so it brings an independent external panel  
2 reviewer for Corps of Engineers projects on big  
3 infrastructure projects, river systems and that sort of  
4 stuff.

5           Listening to some of the comments that  
6 I've heard tonight, I mean, I certainly understand  
7 those folks who have concerns about disturbing the  
8 sediments; but I'm going to for those of you who, you  
9 know, look at a lot of EPA and Corps of Engineers  
10 documents, I'm going to incorporate my colleague Kathy  
11 Garland's comments by reference here. In that river  
12 systems are very dynamic and the -- I think there's a  
13 real hazard. Now, I remember back in the mid '90s when  
14 the San Jacinto River flooded and we had all the barges  
15 and the fires on the river. It's a very dynamic  
16 system, and I would agree with the Corps of  
17 Engineers -- I'm sorry; with the EPA in this case that  
18 removal probably is the best option to get it out of  
19 the system and secure it in an area that is less  
20 dynamic. We certainly have models for doing so safely,  
21 and I think that would be in the best interest of the  
22 community and the system itself.

23           In my role as a faculty member, a teacher  
24 essentially, and in my efforts running the math,  
25 engineering, sciences program at the college, I work

1 with a lot of kids from this community and I've  
2 certainly seen the impacts that this -- the damage that  
3 has been caused by this unfortunate situation, you  
4 know, that is nearly as old as I am what impact that's  
5 had. And I think the actions that you're proposing  
6 certainly look to protect those future generations, and  
7 so I think that's all I have to say on that. So thank  
8 you very much.

9 MS. NAQUIN: Thank you. Okay. So he's  
10 checking my list. I think I've --

11 MR. HALL: May I say something?

12 MS. NAQUIN: Did you sign in?

13 Mr. Hall: No, I missed the list.

14 MR. MILLER: Clear the list first.

15 MS. NAQUIN: As far as I know, the list  
16 is clear. Go ahead.

17 MR. HALL: I've listened to a lot of  
18 concerns about building the dike or the dam and the  
19 flooding and the hurricanes and all of this. My great  
20 grandparents came to Highlands. We were the fourth  
21 family to move out in this area. I've been on the  
22 river all my life. My grandmother was born here. My  
23 dad was born here. They were here before there was  
24 electricity and cars, so I have some history. I have  
25 385 feet of bulkhead right across from the pits. As

1 far as the concerns go about having the flooding,  
2 that's a real easy resolution. That's a real common  
3 sense deal. Come the end of October, the tide goes  
4 out. The tide doesn't come back in until May. If you  
5 want to dig this stuff up without having to worry about  
6 it flooding, the time to do that is at the end of  
7 October through May when we have no water out there.  
8 We don't have the risk for hurricanes or flooding. So  
9 to ease everybody's concerns about flooding, this can  
10 be scheduled to where you aren't in a season of  
11 hurricanes and so forth.

12 MS. NAQUIN: Can I have your name?

13 MR. HALL: Bud Hall.

14 MS. NAQUIN: Thank you, sir.

15 If someone signed in and I missed you,  
16 please come up now.

17 Okay. Your name?

18 MS. SCRUGGS: Melanie Scruggs. Good  
19 evening. I'm the Houston Program Director for Texas  
20 Campaign for the Environment. We're a statewide  
21 environmental organization. We represent 30,000  
22 members in Texas, many of whom live in the  
23 Houston-Galveston region and we support full removal of  
24 the toxic waste pits. We have been supporting the San  
25 Jacinto River Coalition for at least the past three

1 years since I've been here. We have knocked on doors  
2 in Highlands and Baytown and Channelview, Lynchburg,  
3 and the surrounding area supporting full removal.

4 It has been a real honor to speak with  
5 the members of this community. It's a very diverse  
6 community, very strong and kind community. They  
7 offered us bottles of water, and they told us their --  
8 they told us their stories. Many people told us about  
9 the cancer in their households and on their street and  
10 the harms that they've had to their pets and their  
11 concerns.

12 When we first started knocking on doors  
13 in the area, a lot of people had not heard about the  
14 waste pits; but over the past three years, mostly  
15 because of the word of mouth and the community being  
16 organized and the San Jacinto River Coalition and other  
17 groups and great coverage by the media, people are here  
18 tonight and we've generated over the past -- since the  
19 beginning of this current comment period, 500 letters  
20 that will -- that we're delivering here tonight from  
21 residents supporting full removal of the waste pits.

22 So we -- we thank the EPA for all the  
23 work that it's done and for clearly listening to the  
24 community's wishes and to the best science available.  
25 It's a really beautiful thing for us as canvassers when

1 the science is completely consistent with common  
2 sense. A hazardous waste site does not belong in a  
3 river, in a region where you have hurricanes. And  
4 because of climate change, the hurricanes and the  
5 weather events are only expected to be worse. So we  
6 thank you and want to remind everybody that if you  
7 haven't already sent in another comment to the EPA that  
8 the comment period ends November 28th, and we thank you  
9 so much for being here.

10 MS. NAQUIN: Thank you. Mr. Cantu?

11 MR. PRETTIE: No.

12 MS. NAQUIN: Okay. Name?

13 MR. PRETTIE (phonetic): My names is  
14 James Prettie. I'm from McNair which is about less  
15 than 2 miles away from here. For many years my family  
16 and I have fished, crabbed, swim, and skied in the  
17 river. Most of the time we picnic under the bridge  
18 right where the dump site is. We had no knowledge that  
19 it was there, but we were always there on weekends  
20 whenever I had some free time with my kids. Now I have  
21 several family members that are seriously ill from  
22 this. I think it's caused from this dioxin in the  
23 river. And also I've lost quite a few family members  
24 including two of my brother-in-laws from cancer who  
25 used to fish out there with me. So I want to thank the

1 EPA for considering full removing of the dioxin.  
2 That's the only remedy that will be satisfied. Thank  
3 you.

4 MS. NAQUIN: Thank you.

5 MR. CANTU: Yes, my name is Rodrigo  
6 Cantu. I'm an attorney with Lone Star Legal Aid. I am  
7 representing several individuals, community members in  
8 this public participation process. I would join my  
9 clients in applauding the EPA for the decision they  
10 have reached in their proposed plan proposing to remove  
11 the contaminated material from this site. Especially  
12 in your presentation today you mentioned the  
13 consideration you gave to hurricane events, to flooding  
14 events, and the effects that those would have on a  
15 permanent cap and the decision that you reached that a  
16 permanent cap, of course, would not be sufficient in  
17 protecting the long-term health of the community and of  
18 course the environment.

19 Three points. I would like to reference  
20 Dr. Garland's report as well. In that report she  
21 studied several sites similar to this one and they all  
22 were remediated in the way that the EPA is proposing;  
23 whether it was considerations of the toxins, the extent  
24 of the contamination, the depth of the contamination,  
25 and of course most importantly the fact that it's in a



1 river system. I think that's definitely one of the  
2 most important factors. But I would just like to  
3 emphasize that those sites were of course remediated.  
4 I think this community deserves to be treated the same  
5 way. They deserve the equal treatment just like any  
6 other community in any other part of the state or the  
7 country, and that's why I applaud that decision.

8 I would like to reemphasize another point  
9 that's been made by several commentators; the need for  
10 oversight during this whole process from an independent  
11 contractor to make sure that the responsible parties  
12 are doing the best job that they can with the proposed  
13 plan, that they're not going to take any shortcuts.  
14 You verify that, have someone else verify that, share  
15 that information with the community.

16 And my third point is one that has also  
17 been touched on several times. Why are you only  
18 reducing the levels of the dioxin to a certain level?  
19 Consider reducing them even lower. I think it's a  
20 little bit naive to perhaps consider this site  
21 industrial. You have people here telling you that  
22 their homes are being sprayed with water that's coming  
23 from the river. Several months ago when I first got  
24 involved in this community involvement, there were  
25 still people who didn't know that the waste pits were

1 here. They're still fishing, they're still pulling  
2 critters out of the water and eating them, whether it's  
3 for recreation because it's for fun or whether it's a  
4 way to supplement their income. So I think that's  
5 something that the EPA should give another look at.  
6 People are going to continue to recreate, they're going  
7 to continue to fish, they're going to continue to feed  
8 themselves from the river; and if you can make it just  
9 that much safer for them, that's one of the things that  
10 I really think can improve this proposed plan. Thank  
11 you very much.

12 MS. NAQUIN: Thank you.

13 MS. DUDLER: Good evening, everyone. My  
14 name is Cathy Dudler. I bought a house over here at  
15 West Meadows subdivision about six years ago and that's  
16 when I first started hearing about the water. And I  
17 was like, "Oh, wonderful," you know. I got a dog.  
18 Well, ever since I left the state that I was born and  
19 raised in, I have not drank tap water. I've always  
20 drank bottled water because I had never seen any water  
21 treatment facility plants anywhere. And I work  
22 construction, so I've been in a lot of different  
23 states. And when they talk about how long it's going  
24 to take to clean that up, like I said, I work  
25 construction. They have deadlines and there's a lot of

1 people that, you know, you give them a deadline,  
2 they're going to get it done. It should not take that  
3 long to clean it up. And I am so sorry that so many  
4 people around here have been so sick and have died  
5 because of some water that God, Mother Nature put on  
6 this earth. It's awful and it should stop  
7 immediately. Thank you.

8 MS. NAQUIN: Thank you. Okay. That  
9 wraps up my list. I want to thank you for being clear  
10 and concise and patient with each other and respectful,  
11 and we have a little bit of time left so I'm looking to  
12 my right. Hold on there. See if they want to answer  
13 some questions.

14 UNKNOWN SPEAKER: I've got a question.

15 MS. NAQUIN: Excuse me, please.

16 MR. MILLER: Are you going to let her ask  
17 her question?

18 MS. NAQUIN: It's up to you.

19 MR. MILLER: Yeah, go ahead.

20 UNKNOWN SPEAKER: Okay. The one question  
21 I have is I was just wondering, once the remediation  
22 starts, is there going to be oversight to make sure  
23 that whether it be via barge or via truck before they  
24 do leave the area that they are decontaminated and that  
25 they have decontamination zones so that these people

1 aren't taking their clothes, their boots home to their  
2 families, into their homes and having their wives do  
3 their laundry and eventually come into contact with the  
4 dioxin as well, and that was the question that I had.

5 MR. MILLER: Yes. Thank you. There were  
6 a number of questions about the oversight and there  
7 will be oversight. I can't tell you who will be doing  
8 it right now. It will be EPA, and we will probably  
9 bring on either the Corps or perhaps some contractors  
10 to be doing that oversight, but that will be done.

11 There was a previous question someone  
12 asked about sampling. Has any sampling been done  
13 recently? And I could just briefly say that this past  
14 summer there was surface water, ground water, sediment,  
15 fish tissue, all that sampling was done this past  
16 summer. And so and the results are -- hopefully the  
17 results are in the record. I think they are.

18 Yes, ma'am.

19 UNKNOWN SPEAKER: I really would like to  
20 know what it is they've got it covered up with. Is it  
21 like a giant tarp, or how thick is it? How big are the  
22 rocks that are on it, and why do they expect a  
23 hurricane not to pick up rocks? And then the -- I  
24 don't know the right words, the tarp --

25 MR. MILLER: Right.

1 UNKNOWN SPEAKER: -- can it get blown  
2 up? And it's leaked every year forever.

3 MR. MILLER: All right. Just it varies  
4 over the cap, different construction types; but in  
5 general there's this -- it's called a geotech style.  
6 If you can imagine a landscape fabric that's permeable  
7 that you might put in your garden bed, but this stuff  
8 is a lot thicker.

9 UNKNOWN SPEAKER: Like how thick?

10 UNKNOWN SPEAKER: He couldn't give you a  
11 good answer, so he would just give you a silly answer.

12 MR. MILLER: I don't know. It's in the  
13 records. I can't tell you right now what it was.

14 UNKNOWN SPEAKER: (Inaudible.)

15 MS. NAQUIN: Excuse me. Excuse me. You  
16 know what? It's really kind of late tonight and we've  
17 asked that you put your questions down in writing and  
18 they'll be responded to. It's been a good evening so  
19 far; and if we start down the trail of a lot of  
20 questions and more information sharing, we're not clear  
21 on some of the answers so it would be better just to  
22 put them in writing and let these folks deal with them  
23 in time and get back to you. So the cards are up  
24 here. Please feel free to come and get one. We're  
25 losing our crowd as it is; and before they all walk

1 out, Sam, do you want to come tell everybody good  
2 night?

3 MR. WALTERS: To conclude this meeting,  
4 at this point we want to invite our deputy EPA regional  
5 administrator Sam Coleman with any concluding remarks.

6 MR. COLEMAN: So, first of all, thank --  
7 I want to thank everybody for coming out tonight and I  
8 want to remind you that the most important thing you  
9 can do is give us your comments and questions in  
10 writing. We really want to make sure that we've  
11 addressed every issue, every concern, every question  
12 before we make a final decision. It is so important  
13 that we do that, and it's so important that it all be  
14 part of the record. So I also want to thank you for  
15 indulging us in this process and format. We know it's  
16 not the most comfortable for you as members of the  
17 public, but it's what we have to do in order to be able  
18 to accurately and adequately document our decision so  
19 that we can go forward and make sure that the work that  
20 we do can be sustained legally and technically and  
21 scientifically to make sure that we're making sure that  
22 this is going to get done and not get hung up in some  
23 other part of the process.

24 Members of my team are going to stick  
25 around for a couple of minutes, and I know folks wanted

1 to ask just a couple of questions of sidebar, but thank  
2 you again. I would hope everyone drives safely as you go  
3 home tonight, and we look forward to seeing you in future  
4 meetings where we'll be keeping you informed on the  
5 progress and all of the things that are happening as we go  
6 forward. Thank you again.

1 I, Carol S. Temperton do hereby certify that I am  
2 neither related to, nor employed by any of the parties in  
3 the action in which this proceeding was taken, and further  
4 that I am not financially or otherwise interested in the  
5 outcome of the action.

6  
7 Certified to by me this 28th day of October, 2016.

8  
9  
10  
11 \_\_\_\_\_  
Carol S. Temperton, CSR  
12 CSR Certificate Number: 3128  
Expiration: December 31, 2016  
13 Firm Registration Number: 32  
Expires: December 31, 2017  
Atkinson-Baker, Inc.  
14 Court Reporters  
500 North Brand Boulevard  
15 Glendale, California  
(800) 288-3376  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



**Owens, Rock (CAO)**

---

**From:** Keep It Capped <keepitcapped@gmail.com>  
**Sent:** Tuesday, October 04, 2016 2:53 PM  
**To:** Miller, Garyg; Walters, Donn  
**Subject:** Comment extension

Mr. Miller and Walters,

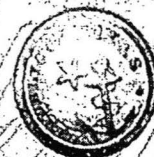
We're interested in requesting an extension on the public comment period for the San Jacinto Waste Pits remedy.

How many days is it customary to ask for ? We've been advised that it's up to 120? Is that correct? As always, we'd like to be in the range of what's acceptable and appropriate.

-SJCAP

# The Knickerbocker Law Firm, PLLC

REAL ESTATE, LAND USE & CONDEMNATION LAW



October 13, 2016

Mr. Gary Miller  
Superfund Remedial Project Manager  
Region 6  
1445 Ross Ave.  
Dallas, Texas 75202

RECEIVED  
16 OCT 21 AM 10:59  
SUPERFUND  
REMEDIAL BRANCH  
(6SF-R)

RE: San Jacinto Waste Pits Superfund Site Request for Extension of Proposed Remedial Action Plan Public Comment Period (**REVISED REQUEST**)

Dear Mr. Miller:

I am writing on behalf of the San Jacinto River Coalition/"KeepitCapped.org" ("Coalition") to request that EPA extend the Public Comment Period for the Proposed Remedial Action Plan issued on or about September 28, 2016 (the "PRAP") for sixty days until January 27, 2017. We ask that this request be included in the Administrative Record for the Site. The requested extension is necessary to allow sufficient time for a full and thorough analysis of the PRAP, considering that EPA has chosen to disregard the findings of the U.S. Army Corps of Engineers who were hired to prepare a Feasibility Study on the alternatives under consideration.

EPA's closure of the public comment period on November 28, 2016 falls short of providing the hundreds of stakeholders involved, including all levels of government from the Texas Commission on Environmental Quality; to Harris County; The City of Baytown; the communities of Highlands and Channelview; the Port of Houston, and numerous citizen and environmental interest groups adequate time to collaborate and comment. The analysis of the Feasibility Study, including all the technical evaluations and the PRAP and the evidence disclosed in the trial in 2015 brought by Harris County against the Potentially Responsible Parties will all have to be reviewed by our Experts. Given the length and complexity of the analyses and documents we do not believe it is realistic to expect that interested parties will be able to complete a thorough analysis of the FS and the PRAP and prepare and submit comments by late October.

For the foregoing reasons, the Coalition and its members request that EPA extend the public comment period for the PRAP sixty days to January 27, 2017. Please promptly confirm EPA's response to the Coalition's request.

Very truly yours,

Thomas C. Knickerbocker  
Attorney for San Jacinto River Coalition

9418477

